

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

--000--

NEELAM SANDHU, an individual,

**CERTIFIED
TRANSCRIPT**

Plaintiff,

vs.

Case No.:
3:24-cv-02002-SK

BLACKBERRY CORPORATION; a
Delaware Corporation; and
JOHN GIAMATTEO, an
individual,

Defendants.

/

REMOTE VIDEOTAPED

DEPOSITION OF JOHN CHEN

DATE: Tuesday, August 5, 2025

TIME: 8:59 a.m. - 4:03 p.m.

LOCATION: REMOTE VIA ZOOM

REPORTED BY: Karen Ferguson, CSR
Certified Shorthand Reporter #5970
TALTY COURT REPORTERS
2131 The Alameda, Suite D
San Jose, California 95126
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1 Q. Generally, what kind of products or 2 services did Sybase sell? 3 A. A database -- software product. 4 Q. And over the course of 13 years I assume 5 you did many things at Sybase, but if you could just 6 briefly describe in a couple sentences your 7 strategic vision that you implemented at Sybase, how 8 would you describe that? 9 A. I -- excuse me -- I'm failing to understand 10 where this is going other than time or using of 11 time. 12 Is there something that you could explain to 13 me? 14 Q. Well, this is -- this is going to be the 15 only question I ask about Sybase, just to give -- we 16 can skip it if you like, but it might help provide 17 some context. 18 A. I do -- I do exactly what every CEO is 19 expected to do and chairman is expected to do. To 20 create a business plan with growth and profitability 21 to make sure that we have integrity in how we run 22 the company and the governance of it, to do 23 succession planning -- just the normal what CEO are 24 supposed to do. 25 Q. And after Silver Lake did you join	Page 18 1 BlackBerry? 2 A. Yes, I did. 3 Q. When you joined BlackBerry, what position 4 did you hold? 5 A. I was the executive chairman and Chief 6 Executive Officer of BlackBerry. 7 Q. Did you hold those positions for your 8 entire time at BlackBerry? 9 A. Yes, I did. 10 Q. Approximately when did you join BlackBerry? 11 A. I joined November of 2013. 12 Q. And do you remember approximately when you 13 left? 14 A. November of 2023. 15 Q. So it sounds like you were there around 10 16 or 11 years -- something like that? 17 A. Exactly ten years to the day. 18 Q. I'm going to ask a question now that you 19 don't have to answer if you don't want to -- some 20 people they don't want to answer this question, but 21 I'll give you the choice if you want to answer it or 22 not. 23 Why did you leave BlackBerry? 24 A. It's time to move on. I have the 25 contract -- I have two five-year terms contract and
1 I chose not to continue. 2 Q. And when you left, was there a succession 3 plan in place for who would replace you? 4 A. Yes. 5 Q. Who was the successor? 6 A. John Giamatteo. 7 Q. And he ultimately ended -- did end up 8 becoming CEO; correct? 9 A. That was correct. 10 Q. When the -- well, strike that. 11 As far as you are aware, did BlackBerry ever 12 hire some sort of consulting firm to help them find 13 a potential CEO successor for someone other than 14 John Giamatteo? 15 A. As -- you mean the independent members of 16 the board -- is that what you meant? 17 Q. Well, I'll -- I'll ask this way. 18 Sometimes when a company is looking for a new 19 Chief Executive they'll work with some sort of 20 recruiting agency or head hunting agency -- they'll 21 hire some sort of firm to propose a few candidates. 22 Do you know if BlackBerry ever did that to fill 23 the vacancy when you left? 24 A. No, because I hired John Giamatteo probably 25 around 2021 and the idea was eventually for him to	Page 20 1 take over if business growth were there and -- and 2 so I don't -- I don't believe that we have hire a 3 search firm to do another search in parallel to 4 that. 5 Q. To your knowledge, did BlackBerry ever 6 consider anyone other than John Giamatteo to succeed 7 you as CEO? 8 A. To my knowledge, no, but then what the 9 independent director discuss among themselves, that 10 I'm not privileged to that. 11 Q. Are you currently working anywhere? 12 A. Am I what? 13 Q. Do you work anywhere currently? 14 A. No. 15 Q. Do you still own stock in BlackBerry? 16 A. Yes. 17 Q. So Miss Sandhu -- Neelam Sandhu -- at some 18 point she was the head of the Elite Customer Group; 19 is that correct? 20 A. That's correct. 21 Q. Could you please describe what the Elite 22 Customer Group did generally? 23 A. Elite customers focus on our top revenue 24 producing or representational customers and to 25 create a deeper relationship with a much broader set



of the people at the customer base, so i.e., for example, not just focusing on dealing with head of engineering or procurement, but much broader and their objective is to actually move up strategically with the account at the CEO, CIO, CTO level that the C-suites of the customer base. So that -- that's the elite program.

Q. And was there some sort of problem or need that led to the creation of the elite customer program?

A. Well, that -- could you please ask that again.

Q. Sure.

Was there some sort of incident or problem or unfulfilled need that led to the creation of the Elite Customer Group?

A. So there were both offensive and defensive reasons.

The offensive reason is that we would like to expand our footprint in these top customers. These top customers are the who's who's in banks -- investment banking -- like [REDACTED] and Bank of America and [REDACTED] et cetera -- as well as who's who's in the major government around the world, particularly, Canada and United States.

A. A couple of reasons.

One, the elite program that I have seen work in my prior career point directly report to the CEO and is not part of sales and the reason is the customer perception.

Whether I created this effort to fully service them and understand their needs, or just want to sell them more stuff.

If it's the latter it loses the elite intentions, so to speak, and efforts. So -- so that was the major -- one of the major reason.

And so, therefore, it cannot be in sales -- I'm sorry I didn't follow through with that thought -- so, therefore, it cannot be in sales.

We don't have an executive that could do this and Neelam has proven that she's very good in some very focus area so this -- this is the reason why that we had picked her.

Q. Did you consider the Elite Customer Group to be a successful program?

A. I always wanted more, but I guess on balance I'm will have to say yes.

Q. Were you aware of any tensions between the Elite Customer Group and the other business units, for example, the Cyber Business Unit?

So -- so for an offensive reason we want to be more strategic to the account. We want them to know that they're important to us and they could any time pick up the phone and call the elite group and then the elite group will on a daily basis re-update me as the CEO of what is happening.

So on the more defensive reason we were under a lot of competitive pressure because these are the accounts that everybody would want and, in particularly, Microsoft has been creating a lot of account doubts and problems for us so it was very important that we keep our customer base happy with us and well understood of our strategic direction and then we understand their strategic direction so that -- so that we could provide the product and services required.

So that was -- those were the two major reasons.

Q. For the time period that the elite customer program existed, was Miss Sandhu the -- the head of that program?

A. Yes.

Q. What -- well, strike that.

Did you decide to have Miss Sandhu be the head of the elite customer program?

A. Yes, I was -- I was aware of that and, honestly speaking, is -- I've seen it in other company is somewhat natural.

Q. What kind of tensions did you observe between those groups?

A. A salesperson would always want the account control and their commissions and their performance depended on that.

And so when somebody else comes in to do even a broader set of tasks in that account it always feel very uncomfortable.

Q. And do you recall specifically any individuals who complained about the Elite Customer Group to you?

A. No, not -- not -- not individually, other than the -- the person who runs sales. In this particular case in the Cyber Unit it was John Giamatteo.

Q. What do you recall John Giamatteo saying to you about how he felt about the Elite Customer Program?

A. I think the major complaint was elite was not sharing the account information and what is happening with these accounts and then that's simply the area that was the most uncomfortable to them.



Page 26 1 Q. Did you have an opinion as to whether what 2 John Giamatteo was telling you was accurate? 3 A. No, I don't have an opinion whether it's 4 accurate or not. I was hoping that they work it out 5 among themselves for the benefit of the company. 6 Q. I'm going to ask a few background questions 7 about Miss Sandhu now. 8 Do you recall when you met her, approximately? 9 A. Yes. Early -- early when I joined the 10 company she was already an employee of the company. 11 Q. Do you recall what her position was when 12 you first met her -- it's okay if you don't -- but 13 maybe you remember? 14 A. She was in marketing. 15 Q. At some point did you recommend that she be 16 promoted? 17 A. It was recommended by the -- at that time 18 the head of marketing, which I concur. 19 Q. At which point did she start working 20 directly -- well, let me phrase it this way. 21 When Miss Sandhu started directly working for 22 you what was her position? 23 A. She was a staff person to myself and I 24 believe it's a director position -- I cannot be 25 100 percent sure.	Page 27 1 Q. And did you recommend her for a promotion 2 at some point? 3 A. She's been promoted a number of times since 4 she had worked directly for me. 5 Q. Do you recall ever personally recommending 6 that she be promoted? 7 A. I -- I - I'm not quite sure what the -- so 8 I guess I answer the question. 9 Is there -- is there some part of my answer 10 that doesn't -- isn't exactly what you were looking 11 for? 12 Q. Let me ask -- 13 A. The answer has to be yes because I'm the 14 only one that could promote my staff so that would 15 have to be yes. 16 Q. And did you ever approve a bonus for her? 17 A. Oh, yes, I'm -- I am -- that's a normal 18 annual review process. 19 Q. Did you recommend that she be promoted to 20 Chief Marketing Officer? 21 A. Yes, I did -- I believe -- yes, I did in 22 2023 -- beginning of the year or about that time 23 period. 24 Q. I'm going to ask now a few questions about 25 the way and the frequency with which you worked
Page 28 1 together with Miss Sandhu, and I'll ask about the 2 last two years that you were at BlackBerry, just to 3 put a timeframe around it. 4 So about how frequently would you interact with 5 Miss Sandhu in your last two years at BlackBerry? 6 A. Almost daily. 7 Q. And when you interacted with her, would 8 that be in person, phone calls, emails, some 9 combination of those things? 10 A. Combinations -- a combination. 11 Q. How would you describe Miss Sandhu's work 12 ethic compared to her peers? 13 A. She is very devoted, committed and work 14 extremely, extremely hard. 15 Q. Can you think of an example or two to help 16 the jury understand her work ethic. 17 A. Whenever I gave her assignment -- and it 18 ranges from very specific to quite broad -- she has 19 been -- she has always impressed me being able to 20 jump in and kind of put the arms around the problem 21 and just work very diligently. So it's very 22 extremely reliable in that -- in that sense. 23 Q. I'm going to ask now about her -- her 24 competence -- so her ability to solve problems, 25 let's say, her ability to get things done, I guess,	Page 29 1 for lack of a better way of describing it. 2 How would you describe Miss Sandhu's competence 3 compared to her peers? 4 A. Better than average. Certainly, as I said, 5 is very reliable to produce results. As I said 6 earlier -- I didn't mean jokingly -- but, you know, 7 I would have wanted more sooner, but that's the 8 nature of the business, but it's -- I am -- I was 9 always comfortable with her diligent and the ability 10 to be -- to be on top of the assignments. 11 Q. I'm going to ask now about Miss Sandhu's 12 ability to get along with clients and customers, 13 customer service attitude -- that sort of thing. 14 Did you ever have any concerns about her 15 ability to get along with her clients and customers? 16 A. No, I would say 90 percent of the time she 17 gets along great with the customers and I 18 occasionally have a side email or a comment even 19 verbally from some customers said good things about 20 her ability to manage the account and service the 21 account and -- no, I don't normally have that 22 problem. 23 Q. How would you describe Miss Sandhu's 24 ability to get along with her co-workers -- let's 25 call it her collegiality -- how would you describe



1 her collegiality compared with her peers? 2 A. That's a challenge. Oftentimes in the 3 attempt to get the work done it so-called crosses 4 the organization line and it created some tensions 5 from time to time with different individual in the 6 company and the colleagues in the company. 7 Q. And later on I'll show you some documents 8 about that issue, but from memory are you able to 9 recall any particular instances where there was some 10 issues that came about because of Miss Sandhu's 11 personality issues? 12 A. Well, it -- a number of times from the 13 marketing organization, particularly the marketing 14 communication organization. We also had issues 15 with, obviously, the sales, but that's as we 16 discussed earlier a little bit more understandable, 17 given the way that the job and the functions of the 18 job line up -- or overlapped. 19 There are some issues with the finance 20 organization, but only pretty much limited to the 21 investment -- investor relationship function. 22 And I believe that there was also an incident 23 with the government affairs group under a program 24 called IBT. 25 So those -- those are what I could remember.	Page 30 1 Q. On benefit, if you were to weigh the 2 positive things that Miss Sandhu -- her positive 3 attributes -- and you weigh that against her 4 negative attributes, would you say she was a net 5 positive for the company or a net negative for the 6 company? 7 A. She was a net positive. 8 Q. And what makes you reach that conclusion? 9 A. Again -- so on -- on one thing I'll -- I 10 remember -- on our elite program she was able to 11 renew the SSC, which is the share service center -- 12 the IT arm of the Canadian Government. 13 We have a very dominant position in terms of 14 providing software for the Government of Canada and 15 we also know that they were looking at potential 16 alternatives like Microsoft and I, myself, flew up 17 over there a number of times and had spoken to some 18 of the ministers, et cetera, to make sure that we 19 stay at BlackBerry and we put Neelam and her team on 20 top of that. 21 The end result was -- although later than I 22 like -- but she was able to renew the entire project 23 for what I could remember one of the biggest deal 24 that we had done -- at least in the past number of 25 years in software.
Page 32 1 So -- so yes, I think, you know, on balance 2 it's definitely a net positive. 3 Q. I'm going to ask now about performance 4 reviews and evaluations, if any, that Miss Sandhu 5 may have received when she was -- in the last couple 6 of years, let's say, the last two or three years 7 that you were at the company. 8 I imagine that for rank and file employees 9 there's kind of a formal process for that, but I 10 honestly don't know how that works for the 11 management -- the hire level employees -- so for 12 someone in Neelam's position -- let's say Chief 13 Marketing Officer -- that level within the 14 company -- what kind of performance reviews or 15 evaluations, if any, would -- would happen for them? 16 A. With all my direct reports I gave them 17 constant feedback instead of a formal sit down 18 review. 19 Once a year HR -- human resources and myself -- 20 we provide a very comprehensive look at every single 21 individual on my staff and look at them from a 22 performance standpoint, the conversation we had 23 about net positive versus net negative -- and that 24 also -- then we do a comparison to a industry survey 25 from a pay point of view -- compensation point of	Page 33 1 view -- and then we go back and I review that in 2 private session with the entire board of director 3 and then they would approve whatever or not 4 regarding the recommendation I made in equity, in 5 pay, in other benefits. 6 So that's -- that's just a process. 7 My performance review with my staff is a more 8 of a one-on-one -- I tend -- I normally do a 9 one-on-one every week -- if not every week, every 10 other week for sure -- with each of my staff to 11 discuss performance, challenges, help that's 12 required on a regular basis and I've done that for, 13 I would say, the decade I was at BlackBerry. 14 Q. To your knowledge, was Miss Sandhu ever 15 formally disciplined at the company -- and I'll give 16 you a few examples of potential discipline -- could 17 be something as minor as a counseling letter that's 18 put in the their personnel file, could be a letter 19 of reprimand, could be a suspension, could be a 20 demotion -- could be a lot of different things. 21 To your knowledge, did Miss Sandhu ever receive 22 any company discipline like that? 23 A. No, I do not remember that. No, I don't -- 24 no, I don't. 25 Q. And for the performance evaluations and



1 process. 2 Q. During your time working with John 3 Giamatteo were you satisfied with the performance 4 that he provided to the company? 5 A. Again, I -- I say the same thing, you know, 6 I'm hard to -- to kept satisfied. I haven't seen 7 the growth I was hoping for, but I, you know, I also 8 wanted to make sure that I gave them enough chance 9 to get the program and the process going. 10 Q. And so assuming you agree that John 11 Giamatteo of some strong attributes and some 12 attributes that maybe he needed to improve on, what 13 would you say his strong attributes are? 14 A. I think he has a good understanding of the 15 channel -- the channel -- the kind of the party that 16 is required to recruit to help out for the growth of 17 the business. 18 I would say that the results weren't there -- 19 were not there when was there and he was a little 20 jumpy about wanting the CEO job and so that's kind 21 of the good and bad. 22 I haven't really worked with him long enough to 23 know the other bad things, but by and large he seems 24 to deal with the troops okay. 25 I haven't heard much about a issue in that	Page 38 1 area. He was able to recruit a couple of people 2 that I like. It's feel like it's a negative -- a 3 net positive to the company versus the people in the 4 position prior -- and then, again, mostly in sales 5 so he does have the network out there. 6 So those are the -- other than waiting for the 7 results I didn't have much of a problem with him. 8 Q. I think you said something along the lines 9 of Mr. Giamatteo being jumpy about wanting the CEO 10 job and I see you nodding your head. 11 What did you mean by that? 12 A. One of the last conversation -- you know, 13 and, again, we -- we do try to meet up whenever he 14 visit San Ramon where I located, and we do our 15 one-on-one, you know. 16 I could see that he's pushing to want to become 17 the CEO, which I was fine with to be honest with 18 you, I just was looking for the -- for the growth 19 numbers -- the results. 20 And so that's kind of the difference in timing 21 between him and I in our head, but then I wasn't too 22 hung up on -- on, you know, leaving at my ten-year 23 anniversary so that's -- that's pretty much the 24 reality. 25 Q. Do you still follow BlackBerry's
1 performance in the news -- how the company's doing? 2 A. Yes, I do. 3 Q. Do you have an opinion about John 4 Giamatteo's performance as CEO of BlackBerry? 5 A. I believe it's still early. Again, I 6 haven't seen the growth -- and the growth was not 7 there. 8 One could -- one could cut costs and become 9 profitable, but there is a limit to that and so we 10 do need to grow the business and I assume that a 11 board and him is working hard on coming up with a 12 good plan and program to grow the business. 13 Q. Did Miss Sandhu ever discuss with you some 14 criticism she had of John Giamatteo? 15 A. Yes. 16 Q. What do you recall her saying along those 17 lines? 18 A. She had a very hard time working with John 19 Giamatteo and it center a lot on, you know, she feel 20 like that she wasn't invited to some of the joint 21 staff meeting and then John's complaint to me was 22 when he invited her she didn't show up and it's just 23 there's a lot of these kind of a low level 24 frustration in working together. 25 So I told both of them that they really do need	Page 40 1 to sit down and, I mean, these are very simple 2 things to work through for an executive at this 3 level. That's what I told them. 4 Q. Do you recall whether Miss Sandhu had ever 5 complained to you that she felt she was being 6 treated differently by Mr. Giamatteo because she was 7 a woman? 8 A. Not in those words. She had complained 9 about having a very negative meeting with John where 10 she felt somewhat intimidated and maybe, you know, 11 uncomfortable area of being suggested how it should 12 work together and all that. 13 After I listen to that I advise her to go to 14 see the head of human resources to make sure that 15 she laid out her feelings on it and then human 16 resources could do their investigations or to look 17 into the situation. 18 Q. Can you recall any more details about what 19 she told you about this encounter with Mr. John 20 Giamatteo that she found to be intimidating? 21 A. I remember it center quite a bit on 22 traveling together and -- because when Neelam came 23 to me she told me that -- I still remember she was 24 saying I -- "I don't want to travel with him" and I 25 replied to her "You don't need to travel with



<p style="text-align: right;">Page 42</p> <p>1 anybody you don't want to travel with," I mean, 2 that's -- and I think she was satisfied with that 3 and then -- and she then relate a dinner with John 4 Giamatteo which was uncomfortable to her with some 5 of the words that being used and so that's when I 6 advise Neelam to go see the head of human resources 7 who, obviously, is trained to deal with some of 8 these sensitivity situations.</p> <p>9 Q. Are you able to remember what Miss Sandhu 10 told you about the dinner with any more details?</p> <p>11 A. No, no, I -- no, I did not. I don't want 12 to -- I don't want to speculate here what I 13 remember, what I didn't remember.</p> <p>14 Q. Oh.</p> <p>15 Someone who's also involved in this case is 16 Phil Kurtz.</p> <p>17 Do you remember him?</p> <p>18 A. Phil Kurtz is our legal -- legal counsel --</p> <p>19 Q. Right.</p> <p>20 A. -- in-house legal. Involved in what case? I didn't know that he was involved in it.</p> <p>22 Q. Oh, well, he testified at a deposition, but 23 I just have a few general questions about your 24 experience working with him now.</p> <p>25 So did you help bring Phil Kurtz to the</p>	<p style="text-align: right;">Page 43</p> <p>1 company -- is that something that you helped bring 2 about?</p> <p>3 A. Phil Kurtz was already in the company when 4 I join.</p> <p>5 Q. Did you find that Mr. Kurtz provided -- 6 well, strike that.</p> <p>7 Were you satisfied with Mr. Kurtz in your 8 dealings with him?</p> <p>9 A. It could be better. I think there is a -- 10 I think Phil has a lot of issue in supporting my 11 agendas and my strategy with the company.</p> <p>12 Q. And I should probably say before you go too 13 much further -- you shouldn't talk about legal 14 advice that he gave you so -- because that might be 15 privileged -- but just in general, you know, what -- 16 I'm interested in were you satisfied with how he 17 performed for the company.</p> <p>18 ATTORNEY MALDONADO: And before you answer I'm 19 going to object relevance and vague.</p> <p>20 But you may answer, John.</p> <p>21 THE WITNESS: Yeah, I mean, you know, 22 relationship between me and Phil -- it's not 23 relevant to this case. I am not aware that he's 24 involved, even if he had made a deposition.</p> <p>25 /// /// ///</p>
<p style="text-align: right;">Page 44</p> <p>1 ATTORNEY TARTAGLIO: 2 Q. Well, it's our position that he was 3 involved pretty closely actually. So -- 4 A. Not -- not -- not -- not with me he's not. 5 Q. Right. 6 But later on after you left and what happened 7 to Neelam he was actually pretty involved in that, 8 I'll represent to you. 9 ATTORNEY LAVOIE: Objection. Argumentative. 10 ATTORNEY TARTAGLIO: Okay. 11 Well, I'll rephrase it. 12 Q. Do you have any criticisms for the way that 13 Mr. Kurtz performed his job? 14 ATTORNEY LAVOIE: Now, again, I'll caution -- I 15 don't see how this is relevant, but also I'll just 16 caution you to avoid disclosing any, you know, 17 satisfaction or dissatisfaction that you had with 18 particular legal advice that Mr. Kurtz gave you. 19 THE WITNESS: Yeah, I -- you know, in general I 20 would like to have a better working relationship 21 with my legal counsel, which I have experienced in 22 the last two years of my -- of my time at 23 BlackBerry. I would just leave it as that. I will 24 not go into anymore detail of any -- any counsel. 25 /// /// ///</p>	<p style="text-align: right;">Page 45</p> <p>1 ATTORNEY TARTAGLIO: 2 Q. Did anyone tell you that there was some 3 sort of personality conflict between Phil Kurtz and 4 Miss Sandhu? 5 A. No. 6 Q. Are you aware of any personality conflicts 7 between Tim Foote -- and that's F-o-o-t-e -- are you 8 aware of any personality conflicts between Tim Foote 9 and Miss Sandhu? 10 A. I was aware of an incident and there also 11 could be a personality conflict, but I don't know 12 whether it was -- in the beginning when I saw them 13 working many years back, since they both came from 14 our London office I don't -- I don't really see the 15 conflict until the last couple of years. I have 16 seen one incident which Tim Foote had came to me and 17 asked for advice so -- 18 Q. What is that incident you're thinking of? 19 A. The incidents I know was there -- Neelam 20 was running a marketing conference in New York and 21 she was asking and reaching out to buy Cy and sell 22 Cy analysts of our investor base, which is the 23 responsibility of Tim Foote, who is the led of 24 investor relations, and Tim took it really 25 negatively and felt that, you know, Neelam should --</p>



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1 ATTORNEY TARTAGLIO:	1 ATTORNEY LAVOIE: And just to interject here, I
2 Q. And I'll ask some more specific questions	2 think -- I'm trying to be helpful here, Tony, and
3 now -- maybe that will help.	3 also to the witness.
4 Did you ever see Miss Sandhu yell at anybody?	4 So, Mr. Chen, the company has produced
5 A. Not that I recall, no.	5 documents involving Rich Curiale in which he was
6 Q. Did you ever see Miss Sandhu insult	6 essentially serving in a role as, like, a quasi
7 somebody to their face?	7 executive coach for Neelam in the spring of 2023,
8 A. No.	8 especially, and so to the extent that that was a
9 Q. Did you ever see Miss Sandhu act in a way	9 comment or a discussion that you had with Rich
10 that you thought was very disrespectful?	10 Curiale about whether, you know, Neelam would stay
11 A. No, no, I would have pointed out -- no.	11 at the company after you left or conversations
12 Q. Did anyone ever talk to you about -- and	12 around whether she should accept the CMO position --
13 this could be Miss Sandhu, it could be anyone	13 those are things I'll ask you about and I'll show
14 else -- but did anyone ever talk to you about what	14 you some documents about those things -- so I don't
15 might happen to her within the company after you	15 want to inhibit you from testifying.
16 left?	16 BlackBerry has taken a position that -- that
17 A. I don't recall who, but yes, it did come up	17 those types of communications were not privileged
18 one -- one time in conversation.	18 since Mr. Curiale was not relaying legal advice.
19 Q. What do you recall from that conversation?	19 So if that -- if that changes any context --
20 A. That after I left that Neelam will probably	20 you may have been thinking about something else --
21 not far behind in leaving.	21 but I just wanted you to be aware of that so as to
22 Q. And are you able to remember who said that?	22 not inhibit your answers to plaintiff's counsel's
23 A. No, it actually could be a privilege	23 questions while, you know, answering my questions
24 information, too.	24 later on.
25 Q. Did --	25 THE WITNESS: Yeah -- yes, that was the
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1 privilege I was referring to. I use Richard Curiale	1 thought since Neelam accepts Richard's comments and
2 in a legal capacity. I was surprised that that	2 advice readily it was useful for them to have
3 privilege has been lifted, but that said, that was	3 discussion, but it was not a -- a BlackBerry
4 the comment that came from and I heard -- and I	4 assigned role, if that makes sense to you.
5 heard that from Richard.	5 Q. Do you know whether Mr. Curiale ever
6 ATTORNEY TARTAGLIO:	6 investigated a complaint that Miss Sandhu had made
7 Q. Did Mr. Curiale explain the basis for that	7 about the company or a co-worker?
8 opinion?	8 A. I -- I need counsel's advice on this. This
9 A. He did not.	9 is --
10 Q. What was your interpretation, if any, of	10 ATTORNEY LAVOIE: You can -- you're permitted
11 why he made that remark?	11 to answer that question.
12 A. Well, it was purely an interpretation on my	12 THE WITNESS: Could you please repeat the
13 part, but I just assume that because Neelam has some	13 question so I get it right.
14 conflict working with people like John Giamatteo and	14 ATTORNEY TARTAGLIO: Yes.
15 et cetera that -- that it's not going to be very	15 Q. My question is, do you know whether Mr.
16 positive environment after I left.	16 Curiale ever investigated a complaint made by Miss
17 Q. To your knowledge, did Mr. Curiale ever	17 Sandhu about one of her co-workers?
18 work with Miss Sandhu in sort of a coaching role, as	18 A. You have to be more specific. I -- I don't
19 opposed to providing legal advice?	19 know. It is not -- anybody could pick up the phone
20 A. I know they get along well and I know	20 and call Richard Curiale, who is on retainer to our
21 Neelam thinks highly of Richard's thoughts and	21 company that you have to -- any investigation that
22 comments and suggestions, so in that sense it was	22 we ask Richard to do -- Mr. Curiale to do -- has to
23 not a official executive training role, but it was	23 come through either human resources or myself
24 more of, you know, Neelam needs somebody's help to	24 directly.
25 talk through situation and give her advice and I	25 So I -- I'm -- I can't believe that he would



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1 investigate something based on Neelam's telling him 2 to do that, or asking him to do that. 3 Q. Do you know whether Mr. Curiale ever 4 investigated some complaints that Miss Sandhu had 5 made about Mr. Giamatteo? 6 A. I don't know. 7 Q. Did you ever use Mr. Curiale as an 8 executive coach for your own purposes? 9 ATTORNEY MALDONADO: Objection. Relevance. 10 ATTORNEY LAVOIE: Objection. Vague. 11 THE WITNESS: Yeah. I could answer that, but 12 no. 13 ATTORNEY TARTAGLIO: 14 Q. Do you know who Nita White-Ivy is? 15 A. Yes. 16 Q. Who is Nita White-Ivy -- I guess what was 17 she -- what was her role at BlackBerry? 18 A. She was the head of human resources. 19 Q. Do you know why she left BlackBerry? 20 A. Oh, she was way past her retirement -- 21 retirement reason. 22 Q. Do you know whether she had any sort of 23 clause in her contract that mentioned your 24 departure? 25 A. I believe so, yes.	1 Q. What's your understanding of that? 2 A. When I recruited her in the early 20- -- in 3 2013 when I first came -- to come in and help me to 4 turn the company around, a number of executive at 5 that time in order to convince them to come to a 6 situation that is very fluid that they came to 7 support me and we have to put in the contract that 8 if they no longer report to me they have the ability 9 to exercise their contract for a severance payment. 10 Only a handful of people has it. Only a 11 handful of very long-term that came in with me had 12 it and so that's the sum total that I remember. 13 Q. Do you know whether Miss White-Ivy resigned 14 from the company, as opposed to being fired? 15 A. Yes, she -- 16 ATTORNEY LAVOIE: Objection. Lacks foundation. 17 THE WITNESS: She exercise the clause -- the 18 clause in the -- in the agreement -- employment 19 agreement per what I just said. 20 ATTORNEY TARTAGLIO: 21 Q. How did you come to learn that Miss 22 White-Ivy had exercised that clause? 23 A. She told me she was going to do it. 24 Q. So is it fair to say that Miss White-Ivy 25 was not terminated from BlackBerry?
Page 56	Page 57
1 A. No, not that I know of. 2 ATTORNEY LAVOIE: Objection. Lacks foundation. 3 THE WITNESS: Yeah, not that I know of. 4 ATTORNEY TARTAGLIO: 5 Q. Who is Mark Wilson? 6 A. Our Chief Marketing Officer. 7 Q. And at some point Miss Sandhu became Chief 8 Marketing Officer; correct? 9 A. At the -- at the end of -- close to the end 10 of 2023, yes. 11 Q. What happened to [REDACTED] role after 12 Miss Sandhu became Chief Executive -- or Chief 13 Marketing Officer? 14 A. [REDACTED] 15 [REDACTED]. 16 Q. Was there a -- well, strike. 17 What was [REDACTED] position before he 18 retired? 19 A. [REDACTED] -- oh, sorry, 20 sorry. [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	1 THE WITNESS: Oh, Project Imperium. 2 Thank you. 3 ATTORNEY TARTAGLIO: 4 Q. What was the gist of what Project Imperium 5 was hoping to accomplish? 6 A. To come up with means to enhance the 7 shareholder value. 8 Q. And was that project successful, do you 9 think? 10 A. I think it came to a conclusion that was 11 logical, and yes, in that sense it was successful. 12 Q. What was the conclusion it reached? 13 A. At the time we were going to split the 14 company into two pieces and let both of them become 15 public after a certain period of time and so that 16 was the -- that was the outcome. 17 Q. And did the company BlackBerry eventually 18 split off in the way you just described? 19 A. It's speculation on my part, but after I 20 left it seems to have went a different direction. 21 Q. And from what you've seen in the news and 22 so forth, is BlackBerry still one company? 23 ATTORNEY LAVOIE: Objection. Lacks foundation. 24 THE WITNESS: Yeah, this is not something that 25 I have any credibility in answering. I'm no longer



Page 58	Page 59
1 in the board room. I haven't -- this is -- this is 2 something you have to ask the company.	1 assume this conversation -- it's leading to some 2 point, right -- [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED]
3 ATTORNEY TARTAGLIO:	8 So the arrangement were made and everyone was 9 behind it so I'm not -- I'm not quite sure where 10 conversation is leading.
4 Q. Did [REDACTED] talk to you about his 5 leaving the company?	11 Q. What I'm getting at is that there were 12 several people who left the company around the time 13 Miss Sandhu left and I'm trying to see if they left 14 voluntarily or left involuntarily -- if you know -- 15 maybe you don't know -- but I'm trying to learn 16 whether that's something you know.
6 A. Talk to me?	17 And [REDACTED] one of those people and so 18 what I'm getting at is, did he leave voluntarily, 19 did he leave involuntarily -- and maybe you don't 20 know and that's fine -- but I'm just trying to see 21 if that's something that you know.
7 Q. Well, let me put it this way -- did [REDACTED] 8 express to you that he wanted to leave the 9 company?	22 ATTORNEY LAVOIE: Objection. Lacks foundation. 23 Calls for speculation.
10 A. Yes, as I said earlier in 2022 he wanted to 11 plan an exit from the company and went into 12 retirement, which he did.	24 THE WITNESS: I think you need to ask the 25 company on that one because, you know, I already
13 Q. And how do you know that -- well, let me 14 first ask -- do you know whether [REDACTED] retired 15 as opposed to being terminated?	
16 ATTORNEY LAVOIE: Objection. Lacks foundation. 17 Calls for speculation.	
18 THE WITNESS: He retired.	
19 ATTORNEY TARTAGLIO:	
20 Q. And how do you know that [REDACTED] 21 retired, as opposed to being terminated?	
22 A. I was --	
23 ATTORNEY LAVOIE: Objection. Lacks foundation. 24 Calls for speculation.	
25 THE WITNESS: I was still here, I mean, I	
Page 60	Page 61
1 left.	1 that statement.
2 ATTORNEY TARTAGLIO:	2 ATTORNEY TARTAGLIO:
3 Q. And earlier we talked about [REDACTED]	3 Q. So did anyone discuss eliminating the Chief
4 [REDACTED] -- I had similar lines of questioning 5 about that -- [REDACTED]	4 Marketing Officer role as a result of the company's 5 submitting up?
6 [REDACTED]	6 A. Not with me, no.
7 [REDACTED]	7 Q. Did anyone mention that Miss Sandhu's
8 [REDACTED]	8 position might become redundant in Project Imperium
9 [REDACTED]	9 were to go forward?
10 [REDACTED]	10 A. Not with me, no.
11 [REDACTED]	11 Q. Were there -- was there -- were there
12 ATTORNEY LAVOIE: Objection. Vague.	12 discussions about any other specific position that
13 THE WITNESS: No, again, you have to ask the	13 might become redundant if the company were to split
14 company. This is after I'm -- I was gone.	14 into two?
15 ATTORNEY TARTAGLIO:	15 A. Again, let me repeat, there was a
16 Q. As project -- as part of Project Imperium,	16 recognition that when we split the company there
17 was there some discussion about removing some of the	17 will be management reshuffling -- oh, and by the
18 management positions that covered both the Cyber	18 way, it was not always about redundancy -- because
19 Business Unit and the Internet of Things Business	19 now we have two companies and technically there are
20 Unit?	20 position that will have to be created.
21 ATTORNEY LAVOIE: Objection.	21 So -- but there was no discussion on which
22 THE WITNESS: There was -- there was a	22 position, who, where, when of any sorts -- with me.
23 recognition that when the company split into two	23 Q. What was the strategic thinking as to why
24 pieces management shuffling is going to happen, but	24 Project Imperium would be beneficial to the
25 there was never a discussion of any details beyond	25 company -- so, in other words, why would it be a



1 good idea to split the company up? 2 ATTORNEY IAVOIE: Objection. Relevance 3 advance. 4 THE WITNESS: Yeah, I'll answer the question, 5 but there is a level of relevancy, that's correct. 6 It hopefully will create more values in the 7 eyes of the investors who would prefer to invest in 8 one piece of business versus the other. 9 ATTORNEY TARTAGLIO: 10 Q. And those two businesses -- I think we've 11 kind of discussed this in passing -- but what would 12 those two businesses have consisted of? 13 A. One is the IoT business or QNX, 14 particularly very focused on auto -- automotive 15 space. 16 The other one is cybersecurity. 17 Q. And for the QNX, what kind of automotive 18 products did BlackBerry sell? 19 A. The software that managed the operating 20 systems of how a -- how a car operates inside -- 21 inside the engine. 22 Q. Did you ever talk with Miss Sandhu about 23 what you might be doing after you left the company? 24 A. No. I was going to retire. 25 Q. Did she ever talk to you about what she	Page 62 1 might do after you left the company? 2 A. No, never did. 3 Q. Do you consider yourself to be friends with 4 Miss Sandhu? 5 A. I don't see why not. 6 Q. Do you ever socialize together since you 7 left the company? 8 A. No, we have not. 9 Q. When you were at the company together would 10 you socialize outside of the work context, for 11 example, go to a party that was not strictly a work 12 party? 13 A. No, not that -- no. 14 Q. Do you -- do you consider John Giamatteo to 15 be a friend of yours? 16 A. No. 17 Q. Did you ever socialize with him outside of 18 the work context? 19 A. No. 20 Q. Did John Giamatteo ever ask you to move the 21 elite customer function to John Giamatteo's business 22 unit? 23 A. Don't recall. Even if he had it -- it -- 24 it's go against the principle of why we need the 25 elite program per the earlier conversation we had.
1 So I wouldn't support it. 2 Q. Did you and John Giamatteo ever talk about 3 Neelam's title -- what the title of her job should 4 be? 5 A. No. 6 Q. Did John Giamatteo ever say that he would 7 be success -- or he would be upset if the word 8 "success" were in her job title or not in her job 9 title? 10 A. I don't remember that. 11 Q. So, for example, did you have any 12 discussions about whether Neelam should be Chief 13 Elite Customer Success Officer versus Chief Elite 14 Customer Officer? 15 A. It -- it did not leave an impression with 16 me, no. 17 Also, that's really the sole -- it's my sole 18 responsibility. I don't feel anybody would come and 19 make those suggestions, but I could be wrong, but 20 no, I don't have the impression of it. 21 Q. Did you ever discuss Miss Sandhu's 22 compensation with John Giamatteo? 23 A. No. 24 Q. Did you ever tell John Giamatteo -- well, 25 strike that.	Page 64 Page 65 1 Did you ever tell Miss Sandhu that John 2 Giamatteo was upset that she had gotten the Chief 3 Marketing Officer role? 4 A. No. 5 Q. Did John Giamatteo ever tell you that it 6 might cause problems if Miss Sandhu got a salary 7 increase? 8 A. No, and I know the counsel wouldn't want me 9 to say this, but it's none of his business. 10 Q. Did John Giamatteo make more money in his 11 position than Miss Sandhu did? 12 A. Yes. 13 Q. What were the factor -- well, strike that. 14 Who decided how much Neelam -- Miss Sandhu -- 15 should have been compensated? 16 A. Every year in September prior to the 17 September board meeting the company, headed by the 18 head of human resources, with external help and 19 consultants from time to time, we go through every 20 single direct report of mine, we analyze their 21 performance, their role, we compare that with 22 outside organizations -- consulting firms data like 23 Radford, Parents -- ***Tower Parents -- and we do a 24 compensation analysis and then on top of that then 25 we do a compensation adjustment if needed that ties



1 to a performance individual, as well as the 2 performance of the company. 3 And then that got rescinded by individual to 4 the board of directors that is outside myself -- 5 because I'm a inside person -- and then the board -- 6 the independent board of directors will make their 7 determination whether they will accept the assessed 8 recommendations. And so that's the process. 9 So it's not just a one person thing about oh, 10 we do a salary increase and so forth. It's a -- 11 it's a very programmatic thing that is very much 12 defendable and in how these numbers got arrived. 13 Q. To your knowledge, was Miss Sandhu paid 14 less than Mr. Giamatteo? 15 A. I already answered -- yes. 16 Q. Why is it that Mr. Giamatteo was paid more? 17 ATTORNEY MALDONADO: Objection. Foundation. 18 THE WITNESS: Experience, scope are the two 19 reasons normally. 20 ATTORNEY TARTAGLIO: 21 Q. And by "scope," what do you mean by that? 22 A. John Giamatteo has a much bigger target in 23 terms of total revenue targets, as well as the scope 24 of the organization. 25 Q. And you alluded to experience.	Page 66 1 Did Mr. Giamatteo have more experience than 2 Miss Sandhu? 3 A. I believe so, yes. 4 Q. Was Mattias Eriksson paid more than Miss 5 Sandhu? 6 A. I don't know now. Those you have to ask 7 the company. I'm sure you have the records. 8 Q. Mark Wilson was the Chief Marketing Officer 9 before Miss Sandhu took on that role; right? 10 A. Yes. 11 Q. Do you know whether Mark Wilson was paid 12 more than Miss Sandhu when he was in that role? 13 A. I don't know. You have -- you really need 14 to go back to the company and ask for those 15 information. 16 Q. If Mark Wilson were paid more as Chief 17 Marketing Officer than Miss Sandhu was, are you 18 aware of any reason why that might be the case? 19 ATTORNEY LAVOIE: Objection. Lacks foundation. 20 Calls for speculation. 21 THE WITNESS: You have to go back to the 22 company. If you're very interested in the analysis 23 you have to go back to the company and get the 24 analysis from human resources. 25 /// /// ///
1 ATTORNEY TARTAGLIO: 2 Q. And if we did do that and we found that 3 Mark Wilson were paid more, would you have any 4 explanation for that? 5 ATTORNEY LAVOIE: Objection. Lacks foundation. 6 Calls for speculation. Asked and answered. 7 THE WITNESS: It's -- should not be answered by 8 myself. I explained to you the process of the 9 company, how it's determined and the number of pair 10 of eyes that sees it. 11 This is not a -- an individual thing. It is a 12 programmatic group thing and so you should not be 13 asking me to explain individual differences. 14 Does that make sense? 15 ATTORNEY TARTAGLIO: Sorry -- I'm thinking 16 about my next question. 17 Q. Did you overhear any -- aside from 18 potentially Miss Sandhu -- did you ever hear any 19 complaints about John Giamatteo -- the way that he 20 treated women? 21 A. I heard that a issue came up right around 22 when I was leaving the company, I mean, literally, 23 like, within a week to ten days. 24 So yes, I did, but that's the sum total of 25 knowledge I have.	Page 68 1 ATTORNEY TARTAGLIO: 2 Q. And if we did do that and we found that 3 Mark Wilson were paid more, would you have any 4 explanation for that? 5 ATTORNEY LAVOIE: Objection. Lacks foundation. 6 Calls for speculation. Asked and answered. 7 THE WITNESS: It's -- should not be answered by 8 myself. I explained to you the process of the 9 company, how it's determined and the number of pair 10 of eyes that sees it. 11 This is not a -- an individual thing. It is a 12 programmatic group thing and so you should not be 13 asking me to explain individual differences. 14 Does that make sense? 15 ATTORNEY TARTAGLIO: Sorry -- I'm thinking 16 about my next question. 17 Q. Did you overhear any -- aside from 18 potentially Miss Sandhu -- did you ever hear any 19 complaints about John Giamatteo -- the way that he 20 treated women? 21 A. I heard that a issue came up right around 22 when I was leaving the company, I mean, literally, 23 like, within a week to ten days. 24 So yes, I did, but that's the sum total of 25 knowledge I have.



<p style="text-align: right;">Page 70</p> <p>1 investigation of that complaint, Mr. Chen, just in 2 an act of full transparency in response to Miss 3 Sandhu's allegations so you are perfectly free to 4 answer questions about questions that the law firm 5 asked you and your responses. We have no objection 6 to that.</p> <p>7 THE WITNESS: Oh, no, no, no. This is a 8 different issue.</p> <p>9 ATTORNEY LAVOIE: Oh.</p> <p>10 THE WITNESS: This is a different issue. This 11 is the -- this is the issue of when I was leaving I 12 was aware of a letter -- a whistleblower letter -- 13 that came in and went to our audit chair and that 14 was -- and I know the company want to do an 15 investigation.</p> <p>16 The firm that was hired was Morrison & 17 Foerster. I was interviewed by them relating to 18 that and then I should not answer anymore details of 19 that conversation.</p> <p>20 By the way, to save you the trouble, I do not 21 know and nobody share with me the outcome, the 22 process because I already left the company. So I 23 know nothing after that interview and nobody had 24 reach out to me and told me anything.</p> <p>25 ATTORNEY LAVOIE: And just to be really</p>	<p style="text-align: right;">Page 71</p> <p>1 specific because I don't -- I don't want Tony to 2 think that we're getting in the way here, but we 3 have waived attorney-client privilege over the 4 Morrison & Foerster investigation.</p> <p>5 So Miss Sandhu's counsel has a report, for 6 example, that Mo-Fo prepared, they have summarized 7 notes of various interviews, so you're not revealing 8 confidences, you're free to answer questions about 9 what you discussed with Mo-Fo.</p> <p>10 THE WITNESS: I don't remember what I discuss 11 with Mo-Fo, but I know it's kind of not much of 12 details and I know -- I know nobody had share with 13 me any reports so you will -- you know a lot more 14 than I do.</p> <p>15 ATTORNEY MALDONADO: Just for a clear record 16 for you, so given what Craig just mentioned you have 17 that liberty, let's have plaintiff's counsel ask his 18 questions and you give your responses.</p> <p>19 THE WITNESS: Uh-huh.</p> <p>20 ATTORNEY TARTAGLIO:</p> <p>21 Q. Do you remember discussing Miss Sandhu with 22 Mo-Fo?</p> <p>23 A. No, I do not.</p> <p>24 Q. Do you remember discussing Mr. Giamatteo 25 with Mo-Fo?</p>
<p style="text-align: right;">Page 72</p> <p>1 A. Yes, I did because that was the -- what the 2 whistleblower complaint was about.</p> <p>3 Q. And what, if anything, do you remember 4 about discussing Mr. Giamatteo with Mo-Fo?</p> <p>5 A. That whether John Giamatteo have a 6 discrimination against women -- a gender 7 discrimination.</p> <p>8 Q. Did you see any evidence of that?</p> <p>9 A. No, I did not.</p> <p>10 Q. Other than this complaint that we were just 11 talking about, during your time at BlackBerry did 12 you become aware of any other complaints of 13 discrimination against women?</p> <p>14 A. This is about John Giamatteo or 15 everybody -- anybody else?</p> <p>16 Q. Yeah, I'm asking a broader question now, 17 which is, other than this complaint about John 18 Giamatteo, were you ever made aware of any other 19 complaints about alleged discrimination against 20 women within the company?</p> <p>21 A. No.</p> <p>22 Q. Other than this complaint against John 23 Giamatteo, were you ever made aware of any 24 complaints about potential sexual harassment going 25 on within the company?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Very rare -- very rare -- maybe -- but they 2 all go through human resources.</p> <p>3 Q. Did anyone ever tell you about allegations 4 that BlackBerry had a sexist culture?</p> <p>5 A. No.</p> <p>6 Q. What measures, if any, did BlackBerry take 7 to ensure that it was treating its female employees 8 fairly?</p> <p>9 ATTORNEY LAVOIE: Objection.</p> <p>10 THE WITNESS: That's very broad. Very, very 11 broad and we empower human resources. We have all 12 the governance trigger in place. We have a direct 13 line to the board of directors and, particularly, 14 the audit committee, and so the answer to your 15 question, I have always been very sensitive about 16 any kind of discriminations whether it's race, age, 17 gender, religion of any sorts.</p> <p>18 The company I ran normally don't ever have that 19 problem so -- and maybe it was because of the 20 empowerment of the different organization that could 21 go do their investigation, hire outside consultant 22 and counsel.</p> <p>23 And every time that -- anything of that happen 24 it reports on a quarterly meeting to the board of 25 directors and an immediate escalation alert to the</p>



1 chairman of the audit committee. 2 So I am very proud of BlackBerry's records. 3 ATTORNEY TARTAGLIO: 4 Q. Sometimes companies will hire an outside 5 consultant to do what they call a pay equity audit 6 to look at how much women make and how much men make 7 and see if there's any problems with that. 8 Do you know if BlackBerry ever conducted such 9 an audit while you were CEO? 10 A. I am sure we have done that and part of the 11 reason why I'm sure we have done is because it's 12 different -- in a few years back different 13 organization, government -- sorry -- different 14 government around the world have asked for those 15 information as a matter of routine for every company 16 so -- but this -- these questions you have to refer 17 to either the legal -- legal team or the human 18 resources team. 19 Q. Sometimes a company will have a position 20 within management that's a focused on diversity or 21 inclusion or equity -- they go by various names -- 22 could be equity inclusion officer or ESG officer -- 23 well, maybe those are different concepts -- but 24 let's focus on the DEI -- and you know what I mean 25 when I say DEI?	Page 74 1 A. (Witness nods head). 2 Q. Okay. The witness is nodding his head. 3 Did BlackBerry while you were CEO ever have a 4 management position that was focused on diversity, 5 equity or inclusion? 6 A. No, we do not have a DEI officer, if that's 7 what you're asking. 8 Q. And there's another concept a little bit 9 different, but kind of similar for ESG, 10 environmental social governance -- that might be 11 right -- I don't know -- does that sound right to 12 you? 13 A. Uh-huh, yeah, I know what you're referring 14 to. 15 Q. And while you were CEO did BlackBerry ever 16 have an officer whose full-time responsibilities 17 were ESG issues? 18 A. No, we don't. We typically put that under 19 the finance organization. The CFO is responsible 20 for filing the ESG report. 21 Q. For this next question -- maybe you have 22 knowledge about this, maybe you don't -- so if you 23 don't know you can say don't know. 24 Who fired Neelam Sandhu? 25 A. I don't know.
Page 76 1 ATTORNEY LAVOIE: Objection. Lacks foundation. 2 Calls for speculation. 3 ATTORNEY TARTAGLIO: 4 Q. Did anyone ever tell you why Miss Sandhu 5 was fired? 6 A. Nobody discuss anything of that sort with 7 me. 8 Q. Did you ever consider firing Miss Sandhu 9 when you were CEO? 10 A. No, I never did consider firing her. 11 Q. Do you think that it was a net benefit to 12 the company to fire Miss Sandhu? 13 A. Speculation. I shouldn't speculate 14 whatsoever. 15 Q. Did you ever speak with anyone within the 16 company about potentially firing Miss Sandhu? 17 A. No. 18 Q. Did anyone ever suggest that she should be 19 fired? 20 A. Not directly to -- I mean, not to me. 21 Q. Did anyone ever suggest to you that Miss 22 Sandhu should have been demoted? 23 A. No. 24 Q. Did anyone ever suggest to you that Miss 25 Sandhu should ever be subjected to any sort of	Page 75 1 discipline within the company? 2 A. No. 3 Q. Did you ever speak with Richard Lynch about 4 whether Miss Sandhu should be fired? 5 A. No. 6 Q. So when -- before Mr. Lynch became the 7 interim CEO he was the chairman of the -- well, I 8 should not assume that. 9 Before Mr. Lynch became interim CEO, what's 10 your understanding of what his relationship was with 11 the company? 12 ATTORNEY LAVOIE: Objection. Asked and 13 answered. 14 THE WITNESS: Lynch -- Dick Lynch was on our 15 board. 16 ATTORNEY TARTAGLIO: 17 Q. And how frequently would the board of 18 directors interact with Miss Sandhu, meaning, like, 19 have a phone call with her, be in a meeting with 20 her -- that sort of thing? 21 A. I do not keep track of those things. 22 Individual board member -- they all are free to 23 reach out to any of my direct reports in the company 24 at any time without having to go through me or update me, for that matter so I -- I wouldn't know.



<p style="text-align: right;">Page 102</p> <p>1 A. Okay.</p> <p>2 Q. So sometimes a witness will read a document 3 and say oh, yeah, I remember this and sometimes they 4 read a document and they say I see the words here, 5 it looks like I wrote them, but I honestly don't 6 remember what this is all about.</p> <p>7 So sitting here today do you remember what this 8 dispute was being referred to in Exhibit 6?</p> <p>9 A. This dispute regarding that Neelam 10 suggested that she either didn't or seldom get 11 invitation from John Giamatteo to their -- to his 12 weekly team meeting where John Giamatteo suggests 13 differently.</p> <p>14 Is that what you're referring to?</p> <p>15 Q. That's right.</p> <p>16 A. Yes, I remember the conversation. I 17 believe that earlier in my testimony I highlight -- 18 I talk about that, too.</p> <p>19 Q. Does reviewing this document refresh your 20 recollection as to the conversations you had with 21 Miss Sandhu about --</p> <p>22 A. I'm not -- I mean, again, it's consistent 23 with what I understood and I knew there was a 24 conversation and I asked them -- I asked Neelam to 25 go work it out with John Giamatteo because I think</p>	<p style="text-align: right;">Page 103</p> <p>1 at this level both of them should be capable of 2 getting this thing resolved.</p> <p>3 Q. And other than what you just discussed, do 4 you recall if you did anything else in response to 5 receiving this email from Miss Sandhu?</p> <p>6 A. No. I probably had raised that with John 7 Giamatteo in our one-on-one conversation -- those 8 things -- it's normally covered in my one-on-one 9 conversation with individuals.</p> <p>10 And, again, if I had that conversation with 11 John I -- the whole conversation would be the same 12 as with Neelam, which is please work with Neelam to 13 resolve this -- to get to the bottom of it and to 14 resolve this because their understanding is exactly 15 opposite to each other.</p> <p>16 ATTORNEY TARTAGLIO: Let's go to Exhibit 7. 17 (Whereupon, Plaintiff's Exhibit No. 7 was 18 marked for identification.)</p> <p>19 ATTORNEY TARTAGLIO: For the record, this 20 starts at Bates page 877 -- oh, it's just one page. 21 That's -- that's it.</p> <p>22 So here I'll scroll up like this.</p> <p>23 Why don't you take a few moments to read 24 this -- and the way these print out is they start at 25 the bottom here and then they go up here and then</p>
<p style="text-align: right;">Page 104</p> <p>1 they go up here, so they're printed out in reverse 2 chronological order.</p> <p>3 A. Okay.</p> <p>4 Q. So it's fair to say that Miss Sandhu here 5 is making a report to you about how she feels as 6 though she's being excluded from some discussions 7 going on; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. And do you remember talking with Mr. 10 Enterkin about this?</p> <p>11 A. No, I don't remember talking to him. I may 12 have, but --</p> <p>13 Q. Do you remember generally any discussions 14 you had with Mr. Enterkin about his collaboration 15 with Miss Sandhu?</p> <p>16 A. Well, you know, I have to say something 17 here. See, I'm not quite sure where we're going 18 with this because as CEO it's -- I really don't have 19 time every day to go figure out who should talk to 20 who and include who's in what.</p> <p>21 This needs to be, you know, discussed and 22 worked out among themselves. As I've said, these 23 are all senior level people. I really don't have 24 the bandwidth to deal with it, so I'm very doubtful 25 that I would pick up the phone and call Adam who, by</p>	<p style="text-align: right;">Page 105</p> <p>1 the way, [REDACTED], but if I 2 happen to have a conversation with Adam it happened 3 to come up and I may have said something, but, 4 again, you know, every time I repeat something he 5 said, she said, you know, it creates more problem 6 than it's help to solve.</p> <p>7 Does that make sense to you?</p> <p>8 Q. Yeah.</p> <p>9 And it might be helpful to clarify that we all 10 understand that as CEO there's a lot of things going 11 on that you were not aware of that you don't 12 remember here today, and that's fine.</p> <p>13 So if you don't remember --</p> <p>14 A. Yes.</p> <p>15 Q. -- the follow-up --</p> <p>16 A. I don't -- I don't remember and this -- 17 again, this -- I would not put it on my top ten 18 things to do.</p> <p>19 Q. And can you -- other than what we discussed 20 generally -- namely your conversations with people 21 about how they should work it out -- do you recall 22 doing anything else in response to this email from 23 Miss Sandhu talking about her interactions in this 24 email here?</p> <p>25 A. No, I don't recall.</p>



Page 106	Page 107
1 ATTORNEY TARTAGLIO: Let's to Exhibit 8 now.	1 board.
2 This starts at page 11448 and goes to page 11449.	2 Q. And down here Mark Wilson, corporate
3 (Whereupon, Plaintiff's Exhibit No. 8 was	3 marketing, so was that functionally a CMO type role?
4 marked for identification.)	4 A. Yeah, correct.
5 ATTORNEY TARTAGLIO:	5 Q. And Kevin Easterwood is listed here as
6 Q. And this is the first email.	6 being one potential successor?
7 You can let me know when you're done reading	7 A. Uh-huh.
8 this.	8 Q. Do you know why [REDACTED] ended up
9 A. Uh-huh.	9 not taking over as Chief Marketing Officer?
10 Q. And, then, it's a little hard to see here	10 A. Because I have a different -- by that time
11 so I'll zoom in.	11 I -- when [REDACTED] I came
12 A. Uh-huh. Okay.	12 up with a different organization thought.
13 Q. And so this document appears to be a	13 Q. And what was that organizational thought?
14 succession plan; is that correct?	14 A. Because [REDACTED] I wanted to
15 A. Uh-huh, that is correct.	15 create an organization that has less conflict
16 Q. And who was scheduled to succeed you?	16 between John Giamatteo and Neelam Sandhu and I
17 A. To -- yeah, John -- John Giamatteo.	17 thought I will give Neelam the opportunity to become
18 Q. And there's --	18 the CMO and thereby will change the scope of the
19 A. Or something from the outside.	19 elite -- the number of elite's account -- and so
20 Q. And were there any conversations that you	20 that was the new organization thinking I have to
21 had about who from the outside would be a potential	21 help smooth some of the waters and take advantage of
22 successor if John Giamatteo was not going to be the	22 two talents.
23 successor?	23 Q. And the two talents would be?
24 A. No, that's a determination by the board if	24 A. John Giamatteo and Neelam Sandhu.
25 they want to do that. This is a presentation to the	25 ATTORNEY TARTAGLIO: Let's go to Exhibit 9.
Page 108	Page 109
1 (Whereupon, Plaintiff's Exhibit No. 9 was	1 A. I thought Nita was investigating it -- no?
2 marked for identification.)	2 Q. Well, I'm curious as to what you recall
3 ATTORNEY TARTAGLIO:	3 happening.
4 Q. So this starts at page 12725 and goes to	4 A. I don't --
5 12726. So go ahead and -- and I'll start it from	5 Q. Other than perhaps Nita investigating this,
6 the bottom here.	6 do you know if anything else was done in response to
7 Let me know when you're ready for me to scroll	7 this email from Miss Sandhu?
8 up.	8 A. No, I'm sure Nita's investigating it and I
9 A. Send it from whom? Oh, from Neelam to	9 normally don't -- unless something comes up that she
10 Nita. Okay.	10 will come -- Nita will come update me. No, I
11 Q. And -- oh, I'll scroll up so you can see	11 normally don't do anything about it.
12 this up here.	12 ATTORNEY TARTAGLIO: Let's go to Exhibit 10.
13 A. Okay.	13 (Whereupon, Plaintiff's Exhibit No. 10 was
14 Q. And I'm not going to ask you about the	14 marked for identification.)
15 redacted box, but do you remember receiving this --	15 ATTORNEY TARTAGLIO:
16 this email from Miss Sandhu?	16 Q. This is a one-page email at Bates No.
17 A. Me?	17 12141.
18 Q. Yes.	18 A. Okay.
19 A. I don't know. I don't seem like I'm on the	19 Q. And so this appears to be an email from
20 CC list. Oh, I'm here. Okay. Okay.	20 Richard Curiale to Neelam Sandhu; is that right?
21 I don't recall, but since I'm on the CC list I	21 A. Uh-huh.
22 must have received it.	22 Q. And the witness said yes, for the record.
23 Q. And do you recall what was done by	23 A. Yes, uh-huh.
24 BlackBerry in response to receiving this email from	24 Q. Do you have any reason to doubt that this
25 Miss Sandhu?	25 is an authentic copy of the BlackBerry email?



<p style="text-align: right;">Page 110</p> <p>1 A. No, I -- no reason to doubt it.</p> <p>2 Q. And Mr. Curiale says "I spoke to John Chen 3 regarding what I thought was a very constructive 4 dialogue we had at lunch."</p> <p>5 Do you remember this conversation that Mr. 6 Curiale is referring to?</p> <p>7 A. Yes, I -- I do remember.</p> <p>8 Q. What do you remember from that?</p> <p>9 A. I remember that it's from his report that 10 he had a good lunch with -- with Neelam.</p> <p>11 Q. Okay.</p> <p>12 And then there's a reference to "two separate 13 groups each having exclusive jurisdiction over their 14 respective clients."</p> <p>15 Do you see that?</p> <p>16 A. Yeah.</p> <p>17 Q. Did that ever come -- come to pass?</p> <p>18 A. I believe so. I believe that's part of the 19 CMO shift that we were talking about earlier.</p> <p>20 Q. And then Mr. Curiale goes on to say "John 21 would like you to offload a number of your current 22 clients and replace them with a larger group of win 23 back targets."</p> <p>24 What is a win back target?</p> <p>25 A. Major accounts that we already lost.</p>	<p style="text-align: right;">Page 111</p> <p>1 Q. So the win back targets are companies that 2 were once BlackBerry customers that BlackBerry is -- 3 would like to recover as clients?</p> <p>4 A. Uh-huh, correct.</p> <p>5 Q. And was it -- or strike that.</p> <p>6 Were you in agreement with the idea of 7 offloading some of Miss Sandhu's current clients and 8 giving her some win back targets?</p> <p>9 A. Yes, I came up with that idea.</p> <p>10 Q. And this last sentence says "I think this 11 will really challenge you" and it goes on for a bit.</p> <p>12 Do you think it was a challenge for Miss Sandhu 13 to be given a list of win back clients as opposed to 14 current clients?</p> <p>15 A. Yes, win back is always difficult.</p> <p>16 Q. And this is probably pretty obvious to you, 17 but for the benefit of the jury, why is a win back 18 target more difficult than servicing a current 19 customer?</p> <p>20 A. Because winning back in pride you have to 21 replace something that's already in store that was 22 just replaced you so, you know, that would require 23 quite a bit of work and not to say -- not to, you 24 know, mention political -- politicalness of the 25 account inside the account who had made a</p>
<p style="text-align: right;">Page 112</p> <p>1 determination to move away from us, so to win back 2 causes some operational challenges, causes some 3 political challenges at the account so it's not 4 easy.</p> <p>5 So the competitor has to stumble, has not, you 6 know, has to not be able to deliver per their will 7 promises for somebody who say, okay, we're going -- 8 we going to go back to BlackBerry. So it is a 9 challenge.</p> <p>10 Q. So based on this email here, was the plan 11 to give John Giamatteo some existing clients and to 12 then give Miss Sandhu some win back targets?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. And do you recall if that plan was ever 15 ultimately implemented?</p> <p>16 A. I don't -- I don't recall because shortly 17 after when this happened with the CMO change shortly 18 after I was leaving.</p> <p>19 ATTORNEY TARTAGLIO: We'll turn now to 20 Exhibit 11, which is produced at Bates No. 12835. 21 (Whereupon, Plaintiff's Exhibit No. 11 was 22 marked for identification.)</p> <p>23 ATTORNEY TARTAGLIO:</p> <p>24 Q. So take a look at this then I'll ask you a 25 couple of questions about it.</p>	<p style="text-align: right;">Page 113</p> <p>1 ATTORNEY LAVOIE: How much more do you have, 2 Tony?</p> <p>3 ATTORNEY TARTAGLIO: Depends on how fast we'll 4 go, but you have the exhibits.</p> <p>5 ATTORNEY LAVOIE: You're saying you -- how many 6 more do you intend to ask about?</p> <p>7 ATTORNEY TARTAGLIO: Well, the other ones that 8 are in the document I sent around this morning.</p> <p>9 ATTORNEY LAVOIE: You don't have -- you can't 10 tell me the number?</p> <p>11 ATTORNEY TARTAGLIO: Okay.</p> <p>12 Well, the witness is reading, but I can scroll 13 through and count it. I think it's maybe 19 14 exhibits, something like that.</p> <p>15 ATTORNEY LAVOIE: Okay.</p> <p>16 I'm just pointing this out because I think we 17 share an objective that we're going to split the 18 time evenly and that we're also going to get Mr. 19 Chen out of here by 4:00 when he has a hard stop; is 20 that right?</p> <p>21 ATTORNEY TARTAGLIO: Well, I don't think we 22 ever agreed to splitting the time equally because 23 I'm covering a lot of ground, like, I don't think 24 there's going to be that much follow-up, but I'm 25 moving pretty fast, I think.</p>



1 ATTORNEY LAVOIE: Okay. 2 Well, I don't -- you know, I don't want you 3 guys to be the reason why Mr. Chen has to come back 4 another day, you know, I'm going -- I'm not going to 5 waste any time -- certainly not like what we've seen 6 so far -- so I would suggest that you move it along 7 faster than you've been. 8 THE WITNESS: Okay. 9 I read it. 10 ATTORNEY TARTAGLIO: 11 Q. And so this appears to be an email from 12 yourself to Richard Curiale; correct? 13 A. Uh-huh. 14 Q. And is this narrative something that you 15 wrote or is this a narrative that you're passing on 16 that someone else wrote? 17 A. This is from Neelam. 18 Q. And so this paragraph you're forwarding a 19 report from Miss Sandhu over to Mr. Curiale; is that 20 right? 21 A. Yeah -- well, it's not a report -- a email 22 that she send me that I forwarded to Richard. 23 Q. And do you recall discussing this with Mr. 24 Curiale? 25 A. Not discussing the email itself, I mean,	Page 114 1 we -- we -- we both realize that there is a lot of 2 emotion in this email, but it really did cross the 3 line, I mean, it's -- it's something that I felt 4 very uncomfortable about. 5 Q. And why is that? 6 A. Well, it's, you know, accusing for the 7 benefit, "sacrificing by you for the benefit of new 8 people who you don't know and haven't been loyal to 9 you haven't done a good job." 10 I mean, I disagree any decision I made is 11 unbalance what I believe is the best for the 12 company -- for the business. 13 This is not about a personality thing, about, 14 you know, only loyalty. Loyalty is a part -- it is 15 a part -- but it's also the structure of the 16 organization, the implication to the organization, 17 the going forward plan -- there's a whole bunch of 18 reasons behind it. 19 You have to take a total package. It's not as 20 simple as -- as a, you know, single -- single item. 21 You have to take the good and the bad and everything 22 else. And I do disagree with the fact that I 23 sacrifice people for the benefit of these new 24 people. I don't know what sacrifice means, but -- 25 but, anyway, so that was -- that was the reaction,
Page 116 1 but instead of me reacting to it I like Richard to 2 address it. 3 Q. Do you remember having a conversation with 4 Miss Sandhu about this email here? 5 A. No, because I -- I believe that -- no, I 6 don't remember, but I doubt very much I would 7 escalate by having a conversation with her about 8 this. That's -- that's usually my style. 9 ATTORNEY TARTAGLIO: Let's turn to Exhibit 12. 10 (Whereupon, Plaintiff's Exhibit No. 12 was 11 marked for identification.) 12 ATTORNEY TARTAGLIO: 13 Q. And this one -- you might want to just look 14 at the version I emailed to you because there's 15 quite a bit going on here. 16 Really, I'm interested in the first two pages, 17 but if you'd like to read the whole thing -- 18 A. No, I don't need to read the whole thing. 19 Let's just go back to the first two pages. 20 Q. Sure. 21 And let me know when you'd like me to scroll 22 up. 23 A. Okay. 24 You could scroll up. Okay. Okay. Okay. 25 Okay.	Page 117 1 Q. So I think it's fair to say that Exhibit 2 12 -- which begins, by the way, at Bates No. 9916 -- 3 this email chain has some conversations with you and 4 Mr. Giamatteo about some conflict that he was having 5 with Miss Sandhu; is that right? 6 A. Yes, yes, yes. 7 Q. And if you look at the bottom of the first 8 page you write "John," comma, "I see both sides 9 contribute to the problem," and then it goes on for 10 a little bit there. 11 What did you mean by both sides contributing to 12 the problem? 13 A. Both sides meaning the -- the elite side 14 and the sales side -- the Cybersecurity Business 15 Unit. 16 I mean, in general, I, you know, you're going 17 around in circles, okay, so we -- we spoke about the 18 fact that Neelam's contribution is a net positive to 19 the company -- not without conflicts with other 20 people and other organization -- and so all I could 21 do is to try to preserve their ability to contribute 22 to the BlackBerry -- the company -- and create a 23 better environment so they won't have that many 24 conflict. 25 In the case of sales, it was the most difficult



<p style="text-align: right;">Page 118</p> <p>1 because functionally they overlap and it also have 2 some implication -- directly or indirectly to 3 compensations so -- and that's what you're 4 witnessing -- and, honestly speaking, you know, I 5 got upset about the fact that senior people should 6 think about a company first and less so about, you 7 know, I win, I lost, you know, I lose face, you 8 know, this, that, and the other.</p> <p>9 And I kind of took a look at both organization. 10 They both have some responsibility to bare.</p> <p>11 Q. And would you agree -- well, strike that. 12 Did John Giamatteo and cyber contribute to some 13 of the conflicts that he had with Miss Sandhu?</p> <p>14 A. I told him many times whether he agrees or 15 not, that's up to him. He and I never discuss that. 16 I wasn't -- I wasn't opening up for discussion. I 17 was just informing how I feel.</p> <p>18 Q. What sort of things, if any, did Mr. 19 Giamatteo do to contribute to the problems between 20 him and Miss Sandhu?</p> <p>21 A. Just the fact that he's, you know, not a 22 big thinker enough to understand that there are 23 always ways to work these conflicts at the account 24 base and to benefit BlackBerry, I mean, it has to be 25 it's either you or mine, it's yours or mine, it's</p>	<p style="text-align: right;">Page 119</p> <p>1 almost like kids on playgrounds and that's how I 2 felt, but I express that to -- actually, I think I 3 believe I express it to both of them.</p> <p>4 But it's need to -- they need to work it out 5 because I -- I can't -- I can't do this for them.</p> <p>6 Q. And Mr. Giamatteo says here after a 7 sentence talking about elite "I really hope we can 8 move this whole thing back to where it belongs as 9 we" had discussed -- or "as we have been discussing 10 since I joined."</p> <p>11 Do you know what Mr. Giamatteo is referring to 12 there?</p> <p>13 A. Did I know what?</p> <p>14 Q. Yeah.</p> <p>15 What he's referring to when he says "I really 16 hope" --</p> <p>17 A. Oh, he always wanted elite to report to 18 him. I disagree. I told you folks early on today 19 there's a special business reason for it.</p> <p>20 ATTORNEY TARTAGLIO: Let's go to Exhibit 13.</p> <p>21 (Whereupon, Plaintiff's Exhibit No. 13 was 22 marked for identification.)</p> <p>23 ATTORNEY TARTAGLIO:</p> <p>24 Q. So, let's see how long this one is. 25 It's about three pages. If you like you can</p>
<p style="text-align: right;">Page 120</p> <p>1 read the whole thing. 2 Would you like to do that? 3 A. No, I think just give me the relevant 4 pages. 5 Q. Okay. 6 Well, let's see -- so this exhibit starts at 7 Bates 9934 -- for the record this is Exhibit 13. 8 And, then, we have here on the first page an 9 email to you saying "Here are the accounts left 10 after giving the four to Neelam, the four to JJJG and 11 pulling out the QNX." 12 So is this related to the discussion we had 13 earlier about giving Miss Sandhu the win back 14 targets? 15 A. Uh-huh. 16 Q. And so the highlighted ones are those that 17 I understand to be mostly lost so would that be -- 18 well, what's your interpretation of what a mostly 19 lost client would be? 20 A. Either the account already have move away 21 from us, or they're reducing the buy to gradually 22 move away from us in phases. 23 Q. And so does Exhibit 13 to you -- and take 24 as much time as you like to look at it -- I can 25 scroll through it.</p>	<p style="text-align: right;">Page 121</p> <p>1 Does this appear to be an accurate description 2 of how Miss Sandhu was given some win back targets 3 and some other clients were given to John Giamatteo? 4 A. Yeah, this is a work in progress between me 5 and John Routa from finance. 6 ATTORNEY TARTAGLIO: Let's go to Exhibit 14. 7 (Whereupon, Plaintiff's Exhibit No. 14 was 8 marked for identification.) 9 ATTORNEY TARTAGLIO: 10 Q. So this is a one-page document at 9962. 11 A. Uh-huh. 12 Q. And so similar sort of question here -- 13 does this agree to be a description of how Miss 14 Sandhu was given some win back targets and John 15 Giamatteo was given some other customers? 16 A. Yes, this is mostly the win back target. 17 This is the Neelam side. 18 Q. Okay. 19 And so down here from Amazon, Cap Gemini, et 20 cetera -- those are the win back targets? 21 A. Those are the win back targets or -- or 22 they're in the process of moving away. 23 ATTORNEY TARTAGLIO: Let's look at Exhibit 15, 24 which starts at page 12167. 25 ///</p>



Page 126	Page 127
1 Is your interpretation of what John Mattel's 2 saying here -- John Giamatteo's saying here -- is he 3 talking about this particular deal or is he talking 4 about without Miss Sandhu at the company? 5 A. I don't -- my interpretation is the deal, 6 but -- 7 ATTORNEY TARTAGLIO: Let's go to Exhibit 17. 8 (Whereupon, Plaintiff's Exhibit No. 17 was 9 marked for identification.) 10 ATTORNEY TARTAGLIO: 11 Q. Okay. 12 Thi's is one page. It's at Bates No. 12219. 13 A. Uh-huh. 14 Q. Go ahead -- go ahead and read this, if you 15 like. 16 A. I read this. 17 Q. Okay. 18 A. I read this. It's in material that's 19 provided by BlackBerry to me. 20 Q. And do you recall this conflict between 21 Miss Sandhu and Miss Dickman? 22 A. Yes. 23 Q. Did you do anything -- well, it looks like 24 you emailed Richard Curiale about this conflict; 25 correct?	1 A. Uh-huh. 2 Q. Do you recall if you did anything else to 3 respond to it other than letting Mr. Curiale know 4 about the situation? 5 A. Well, and I also let Neelam know that she 6 should not touch ITB, which ITB is a program -- I 7 think it's called industrial technology bilateral or 8 something. 9 It's a program by Canadian Government to 10 encourage US technology company to buy from Canadian 11 technology company. 12 After, as a response or as a conditions of the 13 Canadian Government buying these US technology, 14 like, you know, fighter jets and tanks and missile 15 and so forth. 16 So ITB was really very political in nature -- 17 and it's multiple number of years. I think they 18 have, like, five to seven years to do that. 19 So for the elite team to venture into the ITB 20 area, I disagree. 21 For Marjorie to respond the way she responded I 22 also find it, unfortunately, a little overreaction 23 and a little child-ish, but -- but it just the same 24 as the sales people. It's just the same. 25 Q. Okay.
Page 128	Page 129
1 Do you know whether Miss Dickman ended up 2 leaving the company? 3 A. I just recently found out that she's no 4 longer with the company. 5 Q. How did you learn that? 6 A. I think it's -- I don't recall how I know 7 that. I think it has something to do with either a 8 social media post or something -- I don't remember. 9 But not -- I was not told directly by somebody. 10 Q. And what were you told about -- well, 11 strike that. 12 Were you told why Miss Dickman left the 13 company? 14 A. No, nobody -- 15 ATTORNEY LAVOIE: Objection. Objection. Lacks 16 foundation. 17 THE WITNESS: You know, nobody tell me why. 18 ATTORNEY TARTAGLIO: Let's look at Exhibit 18. 19 (Whereupon, Plaintiff's Exhibit No. 18 was 20 marked for identification.) 21 ATTORNEY TARTAGLIO: 22 Q. And this is produced at Bates page 13083. 23 And I just have one question about this 24 document. 25 A. Okay.	1 Q. Does this document refresh your 2 recollections about any conversations you had with 3 Richard Curiale? 4 A. No. 5 ATTORNEY TARTAGLIO: Let's go to Exhibit 19. 6 (Whereupon, Plaintiff's Exhibit No. 19 was 7 marked for identification.) 8 ATTORNEY TARTAGLIO: 9 Q. This starts at page 16477, goes on for a 10 few pages. 11 Had you ever -- well, I'll let you read it so 12 let me know when you want me to scroll, if you would 13 like me to scroll. 14 A. Okay. 15 Please scroll. Uh-huh. Okay. 16 You can move. Okay. Okay. 17 Q. So I'm not asking you to endorse everything 18 in this report, but would you say that in general 19 you agree with the conclusions that Mr. Curiale 20 reached in this report? 21 ATTORNEY LAVOIE: Objection. Lacks foundation. 22 Calls for speculation. 23 THE WITNESS: Yeah, that's a little too broad. 24 I think in general the -- his conclusion at a 25 level -- at the highest level makes some sense, but



1 A. Uh-huh. 2 Q. -- it appears that BlackBerry was not 3 ultimately split into two separate companies; is 4 that correct? 5 A. Say that again -- repeat that, please. 6 Q. Yeah. 7 Was BlackBerry ultimately split into two 8 companies as we had previously discussed? 9 ATTORNEY LAVOIE: Objection. Asked and 10 answered. Lacks foundation. Calls for speculation. 11 THE WITNESS: I have no -- I have no idea. It 12 hasn't yet, but that doesn't mean it won't. 13 ATTORNEY TARTAGLIO: 14 Q. As Chief People Officer, Miss 15 Armstrong-Owen would be in charge of both the 16 Internet of Things Group, as well as the Cyber 17 Group; right? 18 ATTORNEY LAVOIE: Objection. Lacks foundation. 19 Calls for speculation. 20 THE WITNESS: I don't know her. Never met her 21 in my life. 22 ATTORNEY TARTAGLIO: 23 Q. Was Miss White-Ivy Chief People Officer 24 when she worked for the company? 25 A. Yes, yes.	Page 146	1 Q. And did Miss White-Ivy provide human 2 resources services to both the Internet of Things 3 Group, as well as the Cyber Group? 4 A. Yes, that was because it hasn't split yet, 5 right? 6 Q. And then -- let's see -- so Chief Financial 7 Officer you see here it's Tim Foote. 8 Does the Chief Financial Officer provide 9 services to both the Internet of Things Group, as 10 well as the Cyber Group? 11 ATTORNEY LAVOIE: Objection. Vague as to time. 12 THE WITNESS: You're talking about split 13 already or you're talking about not split? 14 ATTORNEY TARTAGLIO: 15 Q. What I'm getting at is, do these 16 individuals listed here on the BlackBerry website 17 provide services to both Internet of Things as well 18 as Cyber? 19 A. Because they hasn't split yet. 20 Q. And so my question is -- I guess we can 21 just ask generally about these folks -- is it your 22 understanding they provide their services to both 23 business departments? 24 A. They -- they do because it hasn't split 25 yet.	Page 147
1 Q. All right. 2 In your time at BlackBerry did anyone complain 3 to you about the personalities of any of the male 4 colleagues that they had to work with? 5 ATTORNEY LAVOIE: Excuse me -- sorry. 6 What was the question? 7 ATTORNEY TARTAGLIO: 8 Q. During your time at BlackBerry did anyone 9 complain about the personalities -- difficult 10 personalities of male colleagues that they worked 11 with? 12 A. Yes, I'm sure that happened, but it's been 13 ten years. 14 Q. Have you read the complaint that Miss 15 Sandhu filed in this lawsuit? 16 A. No. 17 Q. Have you read any of the press about this 18 case? 19 A. No -- very early on very preliminary I 20 think in mail or something and that was it. I have 21 not follow it. 22 Q. How do you feel about the fact that Miss 23 Sandhu -- who you worked with closely for quite a 24 long period of time -- is alleging that she was 25 retaliated against and discriminated against by	Page 148	1 BlackBerry? 2 A. That had nothing to do with me. 3 Q. Do you have any feelings one way or another 4 about the case? 5 A. I shouldn't speculate. This is the 6 cornerstone of the whole lawsuit and complaint so 7 I'll let you folks, you know, worry about that. 8 Q. When Mr. Lynch became interim CEO, did you 9 have any conversation with him to help pass the 10 baton, so to speak -- help transition him? 11 A. No, none. 12 Q. Do you think that BlackBerry should have 13 fired Miss Sandhu? 14 A. Speculation. 15 ATTORNEY LAVOIE: Yeah, objection. Lacks 16 foundation. Calls for speculation. 17 ATTORNEY TARTAGLIO: 18 Q. If you had stayed on as CEO would you have 19 fired Miss Sandhu? 20 ATTORNEY LAVOIE: Objection. Assumes facts. 21 Lacks foundation. Calls for speculation. 22 Incomplete hypothetical. 23 THE WITNESS: I don't have any -- if things 24 continue -- progresses the way that it's been 25 progresses for the past ten years, I have no	Page 149



<p style="text-align: right;">Page 150</p> <p>1 intention to fire Miss Sandhu. 2 ATTORNEY TARTAGLIO: 3 Q. And what makes you say that? 4 A. As we have a long discussion this morning, 5 there's a -- the whole equation of net positive. 6 She has a lot of quality and qualifications and she 7 has edges that needs to be addressed, but on balance 8 it's a good employee for our company. 9 ATTORNEY TARTAGLIO: Okay. 10 That's all the questions I have. 11 THE WITNESS: Thank you. 12 ATTORNEY MALDONADO: Mr. Chen's prepared to go 13 ahead to switch here -- we don't need a break. 14 ATTORNEY LAVOIE: Sounds good.</p> <p style="text-align: center;">EXAMINATION BY</p> <p>15 ATTORNEY LAVOIE: 16 Q. Mr. Chen, I'm going to just try to be 17 really direct and respect your time -- go as quickly 18 as I can. 19 So just to clean up something that just 20 occurred, do you, yourself, have any personal 21 knowledge, i.e. rooted in your experience or 22 observation about what functions people at the 23 company have been performing since you stopped 24 working there, for example, do you have personal</p>	<p style="text-align: right;">Page 151</p> <p>1 knowledge of what function the CFO of BlackBerry or 2 the Chief People Officer of BlackBerry -- positions 3 like that -- are performing since you left the 4 company in October of 2023 -- do you have personal 5 knowledge of that? 6 A. No, I don't have any personal knowledge. 7 In fact, they have changed most, if not all, of 8 the officer and the individuals. 9 Q. And so if -- if we wanted to know whether 10 the CFO or the Chief People Officer were supporting 11 this business unit or that business unit since you 12 left the company we would need to ask somebody who 13 has been at the company since you left; right? 14 A. Absolutely. 15 Q. Okay. 16 When was the Elite Customer Team created? 17 A. Don't have really good memory. I would 18 think roughly about five, six years ago. 19 Q. Okay. 20 A. Oh, oh, five, six years before I left -- 21 sorry. 22 Q. So maybe 2018, 2019 -- something like 23 that -- a year or two before the pandemic, let's 24 say? 25 A. Yes, it's before the pandemic because we</p>
<p style="text-align: right;">Page 152</p> <p>1 were having trouble seeing customers in Washington 2 D.C. because of the COVID. 3 ATTORNEY LAVOIE: Okay. All right. 4 I'm going to share my screen and this next 5 document is Tab 1 in my spreadsheet. 6 It's going to be Exhibit 24. 7 (Whereupon, Plaintiff's Exhibit No. 24 was 8 marked for identification.) 9 ATTORNEY TARTAGLIO: 10 Q. So do you see this -- I'm going to turn 11 your attention first to a document -- to the email 12 at the bottom. 13 This is an email from you to Steve Rai and 14 Neelam Sandhu on October 5th, 2021, and you copy 15 John Giamatteo here. 16 Do you see that? 17 A. Uh-huh, uh-huh. 18 Q. And Steve Rai was the Chief Financial 19 Officer at BlackBerry at the time; correct? 20 A. Correct. 21 Q. What was Adam Enterkin's role at this time? 22 A. He was the -- at that time he was running 23 Europe sales for Cyber. 24 Q. John Giamatteo is copied here. 25 I'll represent to you that he joined BlackBerry</p>	<p style="text-align: right;">Page 153</p> <p>1 in October 2021 -- right around the time of this 2 email. 3 Does that sound right now? 4 A. Correct. 5 ATTORNEY TARTAGLIO: Objection. Assumes facts. 6 Leading. 7 ATTORNEY LAVOIE: 8 Q. Does that sound correct to you? 9 A. That's -- that's a correct statement. 10 Q. You write here "Steve, please get this 11 completed as none of us," parentheses, "(you, me, 12 Neelam and Adam) would like to continue to spend 13 time on this." 14 A. Yes. 15 Q. And then you write "This is now a binary 16 situation." 17 What is the "this" that you didn't want to 18 continue spending time on? 19 A. The approval matrix. What -- what 20 everybody has a responsibility for. 21 Q. The division of responsibility between the 22 Elite Customer Team led by Miss Sandhu and the Cyber 23 Sales Team; is that right? 24 A. That's correct. And then also the 25 authority level meaning, you know, what level of</p>



<p style="text-align: right;">Page 154</p> <p>1 approval do you have to go through if you want to 2 submit a bid, et cetera, et cetera.</p> <p>3 Q. Then you write "You should brief John G. on 4 the wordings."</p> <p>5 Why did you write that?</p> <p>6 A. Well, John just came in and Adam reports to 7 John. I want to make sure that the alignments are 8 there.</p> <p>9 Q. Let's scroll up a little bit.</p> <p>10 So Miss Sandhu later removes yourself and John 11 Giamatteo from the email and writes only to the 12 Chief Financial Officer Steve Rai.</p> <p>13 And she writes "This is an example of what I 14 mean by constant opinions/discussions about my role. 15 This now gives JG" -- John Giamatteo -- "the 16 opportunity to have an opinion about it."</p> <p>17 Do you see that?</p> <p>18 A. Uh-huh, yes.</p> <p>19 Q. It's a pretty confrontational tone to take 20 with the company CFO; would you agree?</p> <p>21 ATTORNEY TARTAGLIO: Argumentative.</p> <p>22 THE WITNESS: Yeah, I would agree that it's -- 23 it's certainly some level of frustration, sure.</p> <p>24 ATTORNEY LAVOIE:</p> <p>25 Q. Does it surprise you to see Miss Sandhu</p>	<p style="text-align: right;">Page 155</p> <p>1 taking this tone with the Chief Financial Officer of 2 the company?</p> <p>3 A. I wouldn't -- I wouldn't put it that way, 4 but I think we're kind of a little used to her 5 tone -- not really reading it more than, you know, 6 just her frustration versus disrespectful.</p> <p>7 Q. So you'd -- let me know if I'm -- if this 8 is accurate.</p> <p>9 You'd be -- you'd become accustomed to Miss 10 Sandhu communicating in a way that you didn't view 11 as disrespectful coming from her, but if it had come 12 from someone else you might view as disrespectful; 13 is that what you're saying?</p> <p>14 A. You could say that. And also in the case 15 of Neelam I know very well that if I, or other 16 people point that out, she will not be as defensive, 17 meaning that if I call her up and say hey, that's -- 18 that's really uncalled for -- and I know her well 19 enough that she more than likely would say oh, okay, 20 didn't mean it that way, but understood.</p> <p>21 Q. Based on your observation, was Miss Sandhu 22 happy about BlackBerry hiring John Giamatteo?</p> <p>23 ATTORNEY TARTAGLIO: Speculation.</p> <p>24 THE WITNESS: I don't know whether she was 25 happy or not happy, but they seemed to have a</p>
<p style="text-align: right;">Page 156</p> <p>1 problem working together from literally day one.</p> <p>2 ATTORNEY LAVOIE:</p> <p>3 Q. Mr. Rai notes -- Rai notes -- here in the 4 next email -- he then forwards Neelam's email to you 5 and says "Below just FYI. I hope she can get her 6 mind out of the loop it is in," and then you write 7 back "Hope so."</p> <p>8 A. Uh-huh.</p> <p>9 Q. What loop are you referring to?</p> <p>10 A. The loop of every changes or lack of 11 written down she interpret that as a negative to 12 her.</p> <p>13 Q. And did you think that was counter -- a 14 counterproductive mindset?</p> <p>15 A. Well, it's certainly unnecessary because 16 it's -- people might take advantage of it, but at 17 the level that, you know, my CFO and myself -- we 18 don't have that mindset.</p> <p>19 ATTORNEY LAVOIE: Let's take a look at what is 20 Tab 2 in the digital binder.</p> <p>21 I'll mark this as Exhibit 25.</p> <p>22 (Whereupon, Plaintiff's Exhibit No. 25 was 23 marked for identification.)</p> <p>24 ATTORNEY LAVOIE:</p> <p>25 Q. We'll go down to the bottom email -- so</p>	<p style="text-align: right;">Page 157</p> <p>1 this is a long email from Steve Rai on October 4th, 2 2021, that he sends to yourself, Adam Enterkin, 3 Neelam Sandhu, he copies John Giamatteo and Tom 4 Eacobacci.</p> <p>5 What was Tom Eacobacci's role?</p> <p>6 A. Tom was leaving the company, but he was the 7 predecessor of -- of John Giamatteo.</p> <p>8 Q. Mr. Rai writes here "The genesis and aim of 9 these discussions was to resolve conflicts between 10 the teams (whether real or perceived; personal or 11 structural) and improve our internal coordination 12 for the good of BlackBerry and its customers."</p> <p>13 Is Steve Rai mediating here between Miss 14 Sandhu's Elite Customer Group and Cybersecurity 15 Sales?</p> <p>16 A. It's -- could you repeat that question -- 17 is Steve Rai --</p> <p>18 Q. Is he mediating, in effect, here between 19 Miss Sandhu's Elite Team and the Cyber Sales Group?</p> <p>20 A. In some ways. You want to assess some 21 boundaries -- I don't whether he view it as mediate. 22 He would like to find a way that both sides would 23 agree, but he knows ultimately -- and he and I had 24 discussed this -- you know, we gave it a round -- a 25 few rounds -- so that everybody feels like they have</p>



<p style="text-align: right;">Page 158</p> <p>1 a word in it and they express their opinion and 2 concerns that ultimately Steve Rai and I would have 3 to sit down and decide.</p> <p>4 Q. How long after Miss Sandhu's Elite Customer 5 Team was created in 2018 or 2019 did there start to 6 become tensions with the Cyber Sales Team?</p> <p>7 A. I think the tension -- I think the tension 8 was there early on. Different leaders had different 9 views of this.</p> <p>10 Tom Eacobacci has a very low level response to 11 it, meaning he knows that he needs to work on his 12 organization. He knows there's plenty of things to 13 do. And we should divide and concur and so forth.</p> <p>14 So he tends listen less to the sales force and 15 doesn't amplify their concern as much. So it's 16 really kind of the personality of the leadership.</p> <p>17 As I said earlier today, structurally sales 18 force would like to control all the accounts whether 19 they could do anything about it or not.</p> <p>20 I, on the other hand, with, as I said, it was 21 produced by my CFO of the past, you know, it's 22 important to keep the customers -- these elite 23 customers -- happy and stay with BlackBerry. It's 24 very important for both revenue and reputation.</p> <p>25 So -- so there's a bigger purpose here than</p>	<p style="text-align: right;">Page 159</p> <p>1 just, you know, whether you want to control 2 everything.</p> <p>3 Q. Mr. Rai writes here on October 4th, 2021, 4 "Frustration," slash, "emotions are very high." 5 Did you understand that to mean frustrations 6 and emotions as between the Elite Team and the Cyber 7 Sales Team?</p> <p>8 A. Yes.</p> <p>9 Q. And this is in October 2021 before 10 essentially John Giamatteo even walks in the door -- 11 frustrations and emotions are high between the Elite 12 Team and Cyber Sales Team; is that right?</p> <p>13 A. Uh-huh, yeah.</p> <p>14 ATTORNEY TARTAGLIO: Argumentative.</p> <p>15 ATTORNEY LAVOIE:</p> <p>16 Q. Would it be accurate to say that at the 17 time John Giamatteo started at BlackBerry in October 18 2021 the relationship between Miss Sandhu's Elite 19 Team and Cybersecurity Sales was already quite 20 tense?</p> <p>21 A. Not anywhere close to the last two years.</p> <p>22 Q. There were some -- there were frustrations 23 and emotions that were running high at the time?</p> <p>24 A. By -- by some -- by some individuals 25 because of the accounts, but not -- not like the --</p>
<p style="text-align: right;">Page 160</p> <p>1 it hasn't really bubble up to the level like a John 2 Giamatteo or the Tom Eacobacci level at that time.</p> <p>3 Q. The tension -- did the tension between Miss 4 Sandhu's Elite Team and Cyber Sales -- did it start 5 because of John Giamatteo?</p> <p>6 A. No, it did not start because of him. It 7 was there, but, as I said, it was a level lower -- 8 visibly lower then -- and then when John -- when 9 John Giamatteo came in it -- it heightened up.</p> <p>10 ATTORNEY LAVOIE: So let's look at what is Tab 11 4 in the binder.</p> <p>12 We'll mark it as Exhibit 26.</p> <p>13 (Whereupon, Plaintiff's Exhibit No. 26 was 14 marked for identification.)</p> <p>15 ATTORNEY LAVOIE:</p> <p>16 Q. So there's a long exchange here -- I'll 17 just direct your attention -- this is October -- 18 this is the end of October 2021 so we're 19 fast-forwarding just a few weeks.</p> <p>20 John Giamatteo has been on the job for a few 21 weeks and this is an email exchange between Neelam 22 Sandhu, Billy Ho, Adam Enterkin, John Giamatteo 23 dated October 29, 2021.</p> <p>24 Do you see that on your screen?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. What was Billy Ho's role?</p> <p>2 A. Head of engineering for Cyber.</p> <p>3 Q. And Mr. Ho forwards this email chain to you 4 on October 29, 2021, and writes "John, she sounds 5 like my CEO," and then a frowning face. "Very 6 frustrated with her," he goes on to say. "Our Elite 7 Team has no ability to discuss any" -- "at any 8 technical discussion."</p> <p>9 Do you see that?</p> <p>10 A. Yeah.</p> <p>11 Q. What is happening here?</p> <p>12 A. I -- I -- I believe that Neelam's account 13 is looking for some fix -- engineering fix -- 14 product fix -- and she had related that to Billy Ho 15 and I guess she came across like his CEO.</p> <p>16 Q. And did it surprise you to hear the head of 17 cyber engineering saying that he was very frustrated 18 with Neelam and that she sounded like his CEO in the 19 way that she communicated with him -- did that 20 surprise you?</p> <p>21 A. A little bit. But -- but unfortunate, you 22 know, obviously in this case the approach is wrong.</p> <p>23 Q. And then you forward this to Steve Rai --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- the next day and you write "Private and</p>



<p style="text-align: right;">Page 166</p> <p>1 for the regulatory filing and the board -- I don't 2 see anybody attacking her, I mean, she just make a 3 totally untrue statement and I'm just thinking that 4 maybe just, you know, her being reactive and 5 hopefully she reflect on it later and find it's 6 inappropriate.</p> <p>7 Q. Was it common for Miss Sandhu to think that 8 her peers were attacking her?</p> <p>9 ATTORNEY TARTAGLIO: Speculation.</p> <p>10 THE WITNESS: Don't know. Don't know. It's 11 not the subject that she speak to me about. Don't 12 know.</p> <p>13 ATTORNEY LAVOIE:</p> <p>14 Q. Based on your interactions with her, did 15 she seem quick to perceive things as slights from 16 colleagues?</p> <p>17 ATTORNEY TARTAGLIO: Calls for speculation.</p> <p>18 THE WITNESS: Again, I -- you have to ask her. 19 I -- I don't -- I don't know.</p> <p>20 ATTORNEY LAVOIE:</p> <p>21 Q. Do you think Mr. Rai's email to her where 22 he says "Appreciate update tomorrow, please" -- 23 do you think that email was inappropriate?</p> <p>24 A. No, no.</p> <p>25 Q. It's polite; right?</p>	<p style="text-align: right;">Page 167</p> <p>1 A. Very polite and, you know, no. 2 ATTORNEY LAVOIE: Okay. 3 Let's -- I'm going to show two branches of an 4 email which I'm going to mark -- I'm going to mark 5 Tab 6 as Exhibit 28 and I'm going to mark Tab 7 as 6 Exhibit 29.</p> <p>7 (Whereupon, Plaintiff's Exhibits Nos. 28 8 and 29 were marked for identification.)</p> <p>9 ATTORNEY LAVOIE: So let's go to Tab 6 first. 10 Q. So Mr. Curiale write to you -- or sorry -- 11 writes to Miss Sandhu on February 13th, 2023, and 12 the subject line is "lunch." 13 A. Uh-huh. 14 Q. How long have you known Richard Curiale? 15 A. Twenty years. 16 Q. And have you engaged him or have your 17 companies engaged him to perform a fair amount of 18 legal work over the years? 19 A. Yes, yes. 20 Q. Based on your conversations and 21 interactions with him, is it your sense that he 22 feels some loyalty to you? 23 A. Yes. 24 ATTORNEY TARTAGLIO: Speculation. 25 // /// //</p>
<p style="text-align: right;">Page 168</p> <p>1 ATTORNEY LAVOIE: 2 Q. Why do you say that? 3 A. Well, I mean, we work well together. We 4 think very much alike and, you know, he's always 5 been trying to help the company to achieve the 6 company purposes and so, yes, I would say from that 7 perspective I feel pretty good about working with 8 him.</p> <p>9 Q. Mr. Curiale writes here -- if you look at 10 the right side of the kind of top right of the 11 box -- "John suggested it would be a good idea if 12 you and I work together to come up with a plan 13 moving forward to improve relations between Elite 14 and Sales, such that Sales will recognize the value 15 added that you bring and will be more receptive to 16 the sales model BlackBerry has established."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. So Mr. Curiale sends this email to Miss 20 Sandhu on February 13th at 7:42 a.m. in the 21 morning -- I just want to take note of that -- so 22 morning time.</p> <p>23 A. Okay.</p> <p>24 Q. So let's took at Tab -- and in this email 25 he's inviting Neelam to go to lunch to discuss this</p>	<p style="text-align: right;">Page 169</p> <p>1 topic -- do you see that? 2 A. Yeah. 3 Q. So now let's go to Tab 7, which is 4 Exhibit 29. 5 This is at 6:49 p.m. on that same day -- so he 6 writes to Neelam before business hours in the 7 morning, he writes this message to you about 11 8 hours later after business hours at 6:49. 9 Do you see that? 10 A. Uh-huh. 11 Q. Subject line is "Neelam" and he writes 12 "Never even got the courtesy of a response from her. 13 Very disappointing." 14 Do you see that? 15 A. Yeah. 16 Q. You write back "Yep, that drove John G. 17 crazy." 18 A. Uh-huh. 19 Q. Do you see that? 20 A. Yes. 21 Q. What are you referring to there -- "that 22 drove John G. crazy"? 23 A. John has always complained to me about lack 24 of response from Neelam and that's -- that's just in 25 line for the same example.</p>



<p style="text-align: right;">Page 170</p> <p>1 Q. So you're -- you're trying to communicate 2 that this experience that Mr. Curiale is having with 3 Neelam was similar to one that John Giamatteo had 4 talked to you about himself experiencing with 5 Neelam?</p> <p>6 A. Correct.</p> <p>7 Q. Let's go to Tab 3, which has previously 8 been marked as Exhibit 12.</p> <p>9 We'll look at the bottom of the first page -- 10 sorry -- we'll look at the very bottom of the first 11 page where you can just see this is an email -- a 12 one-on-one email from John Giamatteo to you on April 13 4th, 2023.</p> <p>14 And Mr. Giamatteo writes to you "We are at the 15 peak of dysfunctionality with Elite. I really hope 16 we can move this whole thing back to where it 17 belongs as we have been discussing since I joined. 18 I get that we may need to do it in phases, but her 19 inability to collaborate with anyone in the company 20 is exhausting and, honestly, makes us look really 21 bad," slash "weak with the rank and file in the 22 organization."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. You respond "Will do in phase. Best for</p>	<p style="text-align: right;">Page 171</p> <p>1 the company on more than one dimensions."</p> <p>2 Did you think or decide at any point in time 3 that the Elite Team should be scaled back or phased 4 out at some point in the future?</p> <p>5 A. Phase out is probably not on my mind.</p> <p>6 Scale back, yes.</p> <p>7 Q. When did that thought or plan occur to you?</p> <p>8 A. Probably in the mixture of Elite doing the 9 job, but the conflict with the salespeople and the 10 sales management, you know, sometime is too high a 11 price to pay so that needs to be a phase approach, 12 but I still maintain that they really miss for the 13 convenience of, you know, the internal operation and 14 make everybody feel good, so to speak, in the sale 15 organization we may miss a very important function 16 with a very important business reason for the 17 company so I never -- I never really thought about 18 phasing it out, but I had thought about reducing it.</p> <p>19 Q. And was that your plan if you had remained 20 CEO -- would you have kind of reduced it, scaled it 21 back, reorganized it in some form?</p> <p>22 A. Yes.</p> <p>23 Q. And the principle reason for that being 24 to -- because of the unsustainable tension between 25 Elite and Cyber Sales?</p>
<p style="text-align: right;">Page 172</p> <p>1 A. That's -- that's a major part of it, yes.</p> <p>2 Q. And you -- you say here "I see both sides 3 contribute to the problem. May pre-dated you."</p> <p>4 "May pre-dated you" -- is that a reference to 5 this tension to some extent pre-dating Mr. Giamatteo?</p> <p>6 A. Yes, I think this is, again, a -- the functional overlap and the commission calculations of -- of those -- those organizations -- the two organizations. It's a natural response -- it's an unfortunate response, but it's a natural response for salespeople.</p> <p>7 Q. So you agree to ultimately that moving 8 Elite accounts into Cyber Sales was best for the 9 company --</p> <p>10 A. No.</p> <p>11 Q. -- in 2023 -- or some accounts?</p> <p>12 A. Some accounts, yeah. But the Elite Program -- I have never intended to move the Elite Program into sales because then it created a different feeling with the customer base.</p> <p>13 Q. Did Neelam's gender or race have anything 14 to do with your decision to rearrange the accounts 15 between Elite and Cyber Sales?</p> <p>16 A. No. I -- no.</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. And by this time Neelam had said something 2 to you about a dinner with John Giamatteo that she 3 said made her feel uncomfortable; is that right?</p> <p>4 A. I don't know when that happened.</p> <p>5 Q. Okay.</p> <p>6 A. I don't -- I don't know what one pre-dates 7 which one.</p> <p>8 Q. Irrespective of when it happened, when you 9 moved certain Elite accounts to Cyber Sales, did you 10 do that in retaliation against Neelam for talking to 11 you about this dinner with John Giamatteo?</p> <p>12 A. Oh, no, absolutely not. Absolutely not.</p> <p>13 If it's a retaliation I would have done, you know, 14 differently like moving Elite into Sales and, I 15 mean, no, no, I don't do things retaliating.</p> <p>16 Q. And at the time that you reorganized some 17 of the customers between the two groups --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- you additionally gave Miss Sandhu the 20 position of Chief Marketing Officer; is that right?</p> <p>21 A. Correct, correct. Because I feel like that 22 there's a balance between how big the Elite is -- I 23 also want to have some win back accounts -- so there 24 was a swap there -- and then also try to give more 25 to Neelam to further her role and career.</p>



<p style="text-align: right;">Page 174</p> <p>1 So there's a combination -- and in the meantime 2 we could reduce the tension to some degree. I never 3 thought it would completely eliminate the tension, 4 but it will reduce the tension.</p> <p>5 Q. Let's look at -- I want to ask you about 6 this statement.</p> <p>7 Mr. Giamatteo, further up the chain, says "The 8 PTSD effect of Neelam and her interaction with the 9 organization is very ugly," slash, "dysfunctional. 10 I spend a lot of time conducting therapy sessions 11 with everyone. In my 30-plus years I have never 12 seen such a polarizing figure."</p> <p>13 Do you see that?</p> <p>14 A. Yeah.</p> <p>15 Q. Is John Giamatteo the only person who ever 16 made comments to you about Neelam like this?</p> <p>17 A. Oh, yeah. I believe so.</p> <p>18 Q. He's the only person who said that she was 19 this polarizing?</p> <p>20 A. Oh, no, no, not polarizing, you know, 21 the -- you know, other implication, you know, I 22 mean, other things like PTSD effect and stuff -- I 23 just ignore it. It's totally inappropriate.</p> <p>24 But polarizing, I understand where he's coming 25 from, but I maintain -- I maintain -- I maintain my</p>	<p style="text-align: right;">Page 175</p> <p>1 statement.</p> <p>2 I believe that for the benefit of the company 3 they should work well -- they should try to do that 4 and work well together, but it -- it's -- seems to 5 be an impossible task.</p> <p>6 Q. You thought that -- was it your perception 7 that Mr. Giamatteo didn't want the Elite Group 8 because he wanted those accounts -- customer 9 accounts -- to be within Cyber Sales -- 10 was that your perception?</p> <p>11 ATTORNEY TARTAGLIO: Speculation.</p> <p>12 THE WITNESS: Yeah, I mean, he -- you know, a 13 sales guy always wants complete control over all 14 their accounts, I mean, that's just, unfortunately, 15 how we -- how we were brought up.</p> <p>16 ATTORNEY LAVOIE:</p> <p>17 Q. A salesperson, man or woman; right -- would 18 like the control of the customer accounts?</p> <p>19 A. Exactly. I, you know, I see success in 20 other company -- big company -- with the Elite 21 accounts and, in fact, I live through that -- that 22 change in one of my prior lives, too.</p> <p>23 Q. Did Mr. Giamatteo ever say anything to you 24 that made you think that he wanted Elite to go away 25 because Neelam was a woman or a person of color?</p>
<p style="text-align: right;">Page 176</p> <p>1 A. Oh, no, no, I never heard that, no.</p> <p>2 Q. You never thought that?</p> <p>3 A. Never thought that. Never heard that.</p> <p>4 Q. Have you observed turf wars over your years 5 presiding over major corporations?</p> <p>6 ATTORNEY TARTAGLIO: Vague.</p> <p>7 THE WITNESS: I have -- I have -- yes, I did.</p> <p>8 ATTORNEY LAVOIE:</p> <p>9 Q. Is this -- is this back and forth between 10 Neelam and John Giamatteo -- is this an example of a 11 type of turf war over control that you've seen over 12 the years?</p> <p>13 ATTORNEY TARTAGLIO: Leading. Argumentative.</p> <p>14 THE WITNESS: I won't answer that. It's -- it 15 much more higher intensity than I ever experienced, 16 even with company that's much bigger in size.</p> <p>17 ATTORNEY LAVOIE: Let's look at Tab 13, which 18 I'll mark as exhibit -- what's the exhibit number, 19 Lauren -- Exhibit 30. Okay. Exhibit 30. Tab 13. 20 (Whereupon, Plaintiff's Exhibit No. 30 was 21 marked for identification.)</p> <p>22 THE REPORTER: I'm sorry, counsel, can we take 23 a quick break for a couple minutes?</p> <p>24 ATTORNEY LAVOIE: Okay.</p> <p>25 THE REPORTER: Thank you.</p>	<p style="text-align: right;">Page 177</p> <p>1 THE VIDEOGRAPHER: All right.</p> <p>2 This ends Media No. 4 in the deposition of John 3 Chen.</p> <p>4 We are off the record.</p> <p>5 The time is 1:52 p.m.</p> <p>6 (Off the record at 1:52 p.m.)</p> <p>7 (Resumed at 1:58 p.m.)</p> <p>8 THE VIDEOGRAPHER: Let me read us on here.</p> <p>9 On the record at 1:58 p.m. and this begins 10 Media 5 in the deposition of John Chien.</p> <p>11 You may continue.</p> <p>12 ATTORNEY LAVOIE: Okay.</p> <p>13 Q. When we -- when we logged off I was just 14 about to share what is Tab 13 in the binder and 15 Exhibit 30, so Tab 13.</p> <p>16 You referenced before, Mr. Chen, a situation 17 involving Tim Foote and Miss Sandhu in May of 2023.</p> <p>18 Is this email on page 2 of Exhibit 30 part of 19 what you were testifying about this morning?</p> <p>20 A. Uh-huh, correct.</p> <p>21 Q. So Mr. Foote writes to you -- this is about 22 five months before you stepped down as CEO, about 23 seven months before Miss Sandhu was fired.</p> <p>24 Tim Foote writes to you and says he'd like your 25 advice on the situation -- which you testified about</p>





<p style="text-align: right;">Page 190</p> <p>1 ignoring things -- just thinking about this being -- 2 I don't want to use the word child-ish, but it was, 3 you know, being something normally people just don't 4 take it seriously and ignore it -- it's not as bad 5 enough -- it's not that bad -- but I could 6 understand why the organization respond differently 7 because they also have their people that look at 8 them and how they respond.</p> <p>9 Q. I want to ask -- I want to ask you about an 10 answer you gave this morning about whether you -- 11 let me actually just say, like, I know that you 12 believe -- and I'm not even going to contest -- that 13 Neelam was a very hard worker, right, and she was 14 very devoted to the company and she had some 15 positive characteristics and so, you know, 16 obviously, you perceived that plaintiff's counsel 17 asking you more about her positive characteristics 18 and I'm asking more about the constructive feedback 19 that you gave her so -- and I fully understand the 20 testimony that you've given about your view about in 21 the net overall, like, how you viewed it, so but -- 22 so all of that is on record and I'm just asking, you 23 know, some kind of specific questions about some of 24 the constructive feedback, but I just wanted you to 25 no I've heard you and I'm not disputing, for</p>	<p style="text-align: right;">Page 191</p> <p>1 example, that she was a very hard worker. 2 So I want to ask you about an answer you gave 3 this morning about whether you personally observed 4 any of Miss Neelam's negative traits. 5 It was sort of an ambiguous question whether 6 you personally observed any of Neelam's ambiguous 7 traits and you answered that you hadn't personally 8 observed any negative traits. 9 We've just looked at a ton of emails that you 10 were on where she's kind of bickering with people. 11 Would you revise that statement based on some 12 of the emails that we've walked through together? 13 ATTORNEY TARTAGLIO: Objection. 14 THE WITNESS: Yeah. 15 ATTORNEY TARTAGLIO: Argumentative and leading. 16 THE WITNESS: Yeah, as I said, if you look 17 at -- if you think about me looking at it as a total 18 package I didn't really believe it was that negative 19 because I tend to just ignore it or have a 20 conversation or have Richard to have a conversation 21 and so -- but, yes, she definitely -- when we talk 22 about net positive there are obviously negative to 23 create a net positive, otherwise it's all positive. 24 ATTORNEY LAVOIE: 25 Q. And -- and just to contextualize your</p>
<p style="text-align: right;">Page 192</p> <p>1 testimony from this morning, did you personally 2 observe some of those negative characteristics, such 3 as in some of the emails that we've reviewed?</p> <p>4 A. Yeah, I -- this morning I was thinking more 5 of a -- a different type of traits, but, yes, you 6 know, the -- some of these response and some of 7 these kind of push back, the comments and -- yes, 8 it's something that she definitely needs to address.</p> <p>9 Q. Did it ever exhaust you dealing with Miss 10 Neelam's disputes with various people at the 11 company?</p> <p>12 A. Oh, yeah, from time to time it does, but 13 fortunately I got enough help around me.</p> <p>14 Q. And did you ever get tired of Miss Sandhu 15 struggling to get along with her peers?</p> <p>16 ATTORNEY TARTAGLIO: Leading. Argumentative.</p> <p>17 THE WITNESS: Get tired. When I get tired I 18 speak to her.</p> <p>19 ATTORNEY LAVOIE: I think -- I'm just skipping 20 over some questions because I think you've mooted 21 them with some of your testimony so if you just give 22 me a quick second I think I can consolidate some 23 things here.</p> <p>24 Okay.</p> <p>25 Let's go to -- what's the next exhibit number,</p>	<p style="text-align: right;">Page 193</p> <p>1 Lauren -- 35 she tells me so I'm going to mark Tab 2 20 -- Tab 8 as Exhibit 35. 3 (Whereupon, Plaintiff's Exhibit No. 35 was 4 marked for identification.)</p> <p>5 ATTORNEY LAVOIE:</p> <p>6 Q. So Mr. Curiale writes to you -- this is 7 March 3rd, 2023, so the spring of 2023. This is 8 about seven months or so before you step down and 9 about nine months before Miss Sandhu is terminated. 10 And Mr. Curiale writes to Neelam with a subject 11 line "Possible compromise." He writes "I spoke to 12 John Chen regarding what I thought was a very 13 constructive dialog we had at lunch. The bottom 14 line is John will consider two separate groups, each 15 having exclusive jurisdiction over their respective 16 clients."</p> <p>17 Do you see that?</p> <p>18 A. Yeah.</p> <p>19 Q. And did you authorize Rich Curiale to 20 deliver this potential compromise or proposal to 21 Miss Sandhu?</p> <p>22 A. I had mention to Rich that that is 23 something that I'm thinking about.</p> <p>24 Q. And one advantage -- would one advantage of 25 this with respect to the Elite Group be that they</p>



<p style="text-align: right;">Page 194</p> <p>1 have, quote, "exclusive jurisdiction" over a certain 2 set of customers?</p> <p>3 A. Yes.</p> <p>4 Q. And was that different from the state of 5 play at the time with respect to their customers -- 6 did they not have exclusive jurisdiction at the time 7 over their customers?</p> <p>8 A. Kind of yes and no. A lot of the accounts 9 in the Elite -- on the Elite Team -- Elite had 10 started with 30 accounts.</p> <p>11 A lot of the accounts Elite Team -- when they 12 made a sale -- I also credit the sales force so -- 13 but being exclusive now that has good and bad.</p> <p>14 The good is I was hoping that the sales force 15 will work on it as a team because they got to share 16 the results.</p> <p>17 The negative is the sales force want to jump in 18 and they have their own idea about the campaign so 19 there lies the source of a lot of the conflicts.</p> <p>20 Q. So Mr. Curiale writes "I don't know if that 21 is acceptable to you."</p> <p>22 A. Right.</p> <p>23 Q. "I hope you will consider it."</p> <p>24 A. Right.</p> <p>25 Q. In your view was this just an idea that</p>	<p style="text-align: right;">Page 195</p> <p>1 Neelam was free to accept or reject -- was it up to 2 her what you were going to do with this situation?</p> <p>3 A. Well, later on -- I had a conversations 4 with Neelam, but I don't remember the pre-date this 5 or after that, and she knows very well that I will 6 make some changes and the question is what is there 7 to change and she's free to -- to reject it -- but 8 the end result of the rejection could lead to her 9 leaving the company.</p> <p>10 And this is why there were some email -- me -- 11 regarding me asking for what is Neelam's severance 12 calculation. It was not a -- it's not a means to 13 say I want to terminate her, but it's -- it's my 14 message or methods of if we were to the point that 15 there's no longer -- no longer an acceptable 16 solution from all sides, then I just have to go to 17 that path.</p> <p>18 And Neelam was well aware of that. It was not 19 a surprise or it's not -- but she knows that it was 20 a path that we could end up taking if, you know, 21 nothing is acceptable to herself and myself in 22 addressing the situation that we had gone through in 23 the past few hours.</p> <p>24 Q. In 2023 -- and I'm not saying that you 25 considered doing this -- in fact, it sounds like you</p>
<p style="text-align: right;">Page 196</p> <p>1 didn't consider it -- but based on knowing the 2 interactions with her, if you had told her in 2023 3 I'm going to reassign you such that you're no longer 4 reporting to me -- you're reporting to John 5 Giamatteo -- based on your interactions and dealings 6 with her up to that point, do you expect she would 7 have accepted that or would she have left the 8 company?</p> <p>9 A. I think she would have left the company.</p> <p>10 Q. Why do you think that?</p> <p>11 A. I would think she would have -- knowing her 12 relationship with John Giamatteo, probably something 13 that she will want to negotiate out.</p> <p>14 ATTORNEY TARTAGLIO: And that's an incomplete 15 hypothetical. Speculation.</p> <p>16 THE WITNESS: Yes, it is -- it is hypothetical, 17 but -- again, but, please, you know, we went back 18 and forth the same thing.</p> <p>19 Please make sure you understand there are no 20 intention of mine for the benefit of the company to 21 fold Elite into sales.</p> <p>22 ATTORNEY LAVOIE:</p> <p>23 Q. Right. Understood.</p> <p>24 A. Right. So that option may be real in John 25 Giamatteo's mind -- on his mind -- but it's not</p>	<p style="text-align: right;">Page 197</p> <p>1 something that I believe in for the benefit of the 2 company. I need those set of elite accounts.</p> <p>3 Q. And based on your dealings with Miss Sandhu 4 and your conversations with her, did you perceive 5 her as having respect for John Giamatteo 6 professionally?</p> <p>7 ATTORNEY TARTAGLIO: Speculation.</p> <p>8 THE WITNESS: We never had that discussion, but 9 I -- it's speculation on my part.</p> <p>10 ATTORNEY LAVOIE:</p> <p>11 Q. Well, just, you know, you talked with her a 12 lot, like, you dealt with her almost every day.</p> <p>13 Like, based on your perceptions and her 14 dealings with her, did you think that she respected 15 him professionally -- was it your impression that 16 she had respect for him?</p> <p>17 ATTORNEY TARTAGLIO: Calls for speculation.</p> <p>18 THE WITNESS: Yeah, I -- I don't -- I don't 19 feel so. If you wanted me to speculate, it never 20 came out that she said wow, John's great on this 21 and --</p> <p>22 ATTORNEY LAVOIE: So I'm going to skip over a 23 document and go to -- mark this next one as Exhibit 24 36.</p> <p>25 This is Tab 11.</p>



<p style="text-align: right;">Page 202</p> <p>1 customer side changes I am not open to that being 2 executed on without the marketing piece being 3 agreed."</p> <p>4 Do you see that?</p> <p>5 A. Yeah.</p> <p>6 Q. "I am not open to that."</p> <p>7 Why is Miss Sandhu talking as though she has 8 veto power over this restructure?</p> <p>9 ATTORNEY TARTAGLIO: Objection. Assumes facts. 10 Argumentative.</p> <p>11 THE WITNESS: Well, simple. She thinks she 12 has. As said to you, to me -- I mean, I would want 13 somebody to accept a role wholeheartedly with 14 excitement, that's a better for the company -- and 15 she doesn't want to do this and there's no path 16 then, as I told you, then the only path is to 17 separate.</p> <p>18 Q. So she writes here in a passage that you 19 testified about a bit this morning "I have seen 20 before people who have been very loyal to you be 21 sacrificed by you for the benefit of new people who 22 you don't know and haven't been loyal to you or 23 haven't done a good job."</p> <p>24 She's insulting you to your face here 25 basically.</p>	<p style="text-align: right;">Page 203</p> <p>1 A. I know.</p> <p>2 ATTORNEY TARTAGLIO: Objection. Argumentative.</p> <p>3 THE WITNESS: Well, this -- remember earlier 4 when you asked me about the comments and stuff I 5 just ignore it -- this one gets me. I remember. 6 And so this is why I send it to Richard. It -- that 7 cross the line.</p> <p>8 ATTORNEY LAVOIE:</p> <p>9 Q. You're the CEO -- is it accurate to say 10 you're the CEO of the company, you're her boss, and 11 she's writing you something that insults you to your 12 face -- is that accurate?</p> <p>13 ATTORNEY TARTAGLIO: Leading. Argumentative.</p> <p>14 THE WITNESS: I -- I felt that way when I read 15 it, but I think you need to ask her.</p> <p>16 ATTORNEY LAVOIE:</p> <p>17 Q. Have any of your other direct reports in 18 your recollection over your 20 or 30 years as an 19 executive, have any of your direct reports ever 20 insulted you to your face in this fashion?</p> <p>21 ATTORNEY TARTAGLIO: Argumentative.</p> <p>22 THE WITNESS: No, no, I can't remember any.</p> <p>23 ATTORNEY LAVOIE:</p> <p>24 Q. Did it surprise you for Neelam to insult 25 you to your face this way?</p>
<p style="text-align: right;">Page 204</p> <p>1 ATTORNEY TARTAGLIO: Argumentative.</p> <p>2 THE WITNESS: I look at it as an inability to 3 control her own frustration. She -- she does that. 4 And now, as I said, other than this one I could -- I 5 could go right back at it and escalate it, which 6 typically is not my style to do with any of my 7 direct reports.</p> <p>8 ATTORNEY LAVOIE:</p> <p>9 Q. So -- and I appreciate that and you've 10 testified that way and I completely here you that 11 it's -- that you sometimes got accustomed to it or 12 you looked past it; is that fair?</p> <p>13 A. Yeah, it could be fair, but not -- but -- 14 but, yeah, not this one.</p> <p>15 Q. Do you think it would be reasonable for 16 someone in your position -- not how you felt -- but 17 do you think it would be reasonable for a different 18 CEO to observe Neelam's difficulty getting along 19 with people, remarks that she makes to her boss and 20 just say I don't want to put up with this, you're 21 not worth it.</p> <p>22 Would that have been reasonable for someone 23 else to think that?</p> <p>24 ATTORNEY TARTAGLIO: Incomplete hypothetical. 25 Assumes facts.</p>	<p style="text-align: right;">Page 205</p> <p>1 THE WITNESS: That's somewhat speculative in a 2 sense, too. I can't tell you whether the CEOs are. 3 My style are not come across as authoritative or, I 4 mean, you know, I have a certain level of ego, but 5 it's not to the level that, you know, take offense 6 in everything that was said to me.</p> <p>7 Again, this one exempt from that, but -- so 8 my -- my point is, yeah, I suppose other CEOs will 9 respond with -- respond very differently.</p> <p>10 ATTORNEY LAVOIE:</p> <p>11 Q. You've been in this business for four 12 decades or more?</p> <p>13 A. Uh-huh.</p> <p>14 Q. And you, yourself, before you had the top 15 job you reported to a bunch of people.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Could you ever imagine sending something 18 like this to your boss insulting your boss directly 19 in this way -- would you ever imagine doing that?</p> <p>20 A. No.</p> <p>21 ATTORNEY TARTAGLIO: Argumentative. And we 22 spent quite a bit of time asking the same question.</p> <p>23 THE WITNESS: Yeah, I don't understand where 24 we're going here.</p> <p>25 I already told you it's not my style. This one</p>



Page 206	Page 207
1 is different.	1 version of the BBMe messages, I would say, between
2 You know, I tent to try to solve the problems.	2 yourself and Neelam, but if we scroll to the bottom
3 If I can't solve the problem we separate.	3 of this -- sorry -- I overshot it.
4 And no, I wouldn't send it to anybody -- my	4 There was a portion on December 10th that
5 boss or otherwise. I don't even speak to my	5 was -- where it says "Neelam Sandhu chat retracted."
6 subordinate in this way either.	6 So if you look above we can see all of your
7 ATTORNEY LAVOIE:	7 messages to Neelam, but we don't see any of Neelam's
8 Q. Has John Giamatteo ever sent you a message	8 messages to you.
9 like this?	9 Do you see that?
10 A. No, no, I don't feel he did.	10 A. Yeah.
11 Q. And Mr. Curiale writes back to you saying	11 Q. And did you communicate frequently with
12 that Neelam has crossed a line here and that "it may	12 Miss Sandhu on BBMe?
13 be time to part ways."	13 A. Yes, quite, I mean, I'm always quick on
14 A. Uh-huh.	14 BBM.
15 Q. And I just want to be clear -- you had	15 Q. Why did you communicate with her sometimes
16 considered potential severance for Miss Sandhu at	16 on BBMe instead of email?
17 some points over the years; right?	17 A. I actually encourage people to use BBM
18 A. Yes, only -- only if things can't improve	18 because it's our product.
19 or can't work out, organizationally or otherwise.	19 Q. And what type of thing might you put into a
20 ATTORNEY LAVOIE: I'm going to mark this next	20 BBM instead of to an email?
21 one as Exhibit 38.	21 A. Well, you know, BBM is really more better
22 (Whereupon, Plaintiff's Exhibit No. 38 was	22 for short messages and so forth. It's more like a
23 marked for identification.)	23 chat thing and email is email.
24 ATTORNEY LAVOIE:	24 Q. All right.
25 Q. This is Tab 18. So this is a fuller	25 I'm going to go to page 5 of Exhibit 38.
Page 208	Page 209
1 And let me see if I can find -- the very top	1 Q. So as of at least this time on
2 message. This is October 23rd, 2023.	2 October 23rd, 2023, Miss Sandhu was aware that you
3 A. Uh-huh.	3 were going to be stepping down?
4 Q. This is, like, days before you step down, I	4 A. Yes. I think my whole direct reports team
5 believe.	5 is aware of that.
6 And you write "Tomorrow we need to work on my	6 Q. Okay.
7 letter."	7 And in a separate communication -- I won't --
8 A. Uh-huh.	8 I'm trying to avoid putting just more and more
9 Q. Is that a reference to your resignation	9 documents in front of you for time purposes -- but
10 letter or some kind of correspondence related to you	10 Miss Sandhu also told someone named Prem Watts
11 stepping down?	11 (phnetic) that she was working with you in
12 ATTORNEY TARTAGLIO: Leading. Leading.	12 confidence -- or that you had hold her in confidence
13 THE WITNESS: Yeah, I think it's -- I think	13 about your departure and that you had asked for her
14 it's a letter to the troops about my departure.	14 help in drafting a press release.
15 ATTORNEY LAVOIE: Okay.	15 Did you ask Miss Sandhu for help in drafting
16 ATTORNEY TARTAGLIO: Belated objection.	16 any kind of press release related to your stepping
17 Leading.	17 down?
18 ATTORNEY LAVOIE:	18 ATTORNEY TARTAGLIO: Assumes facts. Attorney
19 Q. Did you ever ask -- I guess Tony wants me	19 testifying.
20 to take more time in asking questions, but, you	20 THE WITNESS: I don't -- I don't know
21 know, I'm trying to be respectful of your time.	21 whether -- that might be a thought of having a press
22 So did you ask Miss Sandhu for help in drafting	22 release, but I don't -- I don't remember that, to be
23 a letter that you would write to BlackBerry	23 honest with you.
24 employees regarding your departure?	24 ATTORNEY LAVOIE:
25 A. To help me work on it, yeah -- yes.	25 Q. When you informed Miss Sandhu that you were



<p style="text-align: right;">Page 214</p> <p>1 to collaborate with peers gets even more important 2 when you're ascending to a more senior executive 3 level of the company?</p> <p>4 ATTORNEY TARTAGLIO: Argumentative.</p> <p>5 THE WITNESS: I agree.</p> <p>6 ATTORNEY LAVOIE: So I'd like to walk you 7 through a few statements that Miss Sandhu attributes 8 to you in some of her filings in this case.</p> <p>9 So I'm going to mark this next one as Exhibit 10 39 -- I believe, Lauren, unless you tell me I'm 11 wrong -- this is Tab B in the binder.</p> <p>12 (Whereupon, Plaintiff's Exhibit No. 39 was 13 marked for identification.)</p> <p>14 ATTORNEY LAVOIE:</p> <p>15 Q. So these are some discovery responses that 16 Miss Sandhu has served in this case.</p> <p>17 I'm going to go down to page 10 and focus your 18 attention on lines 17 and 18.</p> <p>19 Actually, you know, I think that you've -- I 20 think you've addressed this so I'm going to skip 21 this part and let's move to lines 19 through 20.</p> <p>22 In these discovery responses here it says "When 23 plaintiff wanted her title to be Chief Elite 24 Customer Officer Giamatteo objected to John Chen 25 about the job title because he did not want the" --</p>	<p style="text-align: right;">Page 215</p> <p>1 "he did not want the," quote, "'success' removed 2 from her job title."</p> <p>3 Did John Giamatteo object to you about the word 4 "success" being removed from Miss Sandhu's job 5 title?</p> <p>6 ATTORNEY TARTAGLIO: Asked and answered.</p> <p>7 THE WITNESS: I don't -- I really don't recall. 8 I always -- to me it was such a small thing and -- 9 but I don't -- I don't actually recall.</p> <p>10 ATTORNEY LAVOIE:</p> <p>11 Q. Do you remember John Giamatteo complaining 12 to you about anything related to Miss Sandhu's job 13 title?</p> <p>14 A. No, I -- not really, I mean, it -- he might 15 have mention it, you know, among, like, hours of 16 conversation we had, like, one time, but I wasn't 17 interested in, you know, working on those title 18 naming anyway. I thought success is important, 19 but --</p> <p>20 Q. Success does sound important.</p> <p>21 A. Right, so I --</p> <p>22 ATTORNEY TARTAGLIO: There's no question 23 pending, by the way.</p> <p>24 THE WITNESS: It's, you know, again, you have 25 to come from the point of view of customers. You</p>
<p style="text-align: right;">Page 216</p> <p>1 know, I think all these conversations we had the 2 principals focus more about inside. I focus more 3 about outside.</p> <p>4 When the customer see the title the customer 5 wants to know people are focusing on their success, 6 okay, and not like, oh, you have another chief of 7 this and that or another.</p> <p>8 And I -- I really -- maybe I just dismissed it 9 in my head too quickly but --</p> <p>10 ATTORNEY LAVOIE:</p> <p>11 Q. So -- so you thought it was a good thing 12 for the title to be Chief Elite Customer Success 13 Officer, as opposed to just Chief Customer Officer 14 or something like that?</p> <p>15 A. Exactly. Exactly. Success is very 16 important.</p> <p>17 Q. So --</p> <p>18 A. It's -- it's where the customer's looking 19 at it.</p> <p>20 Q. Let's look at page 10, lines 21 through 23. 21 Miss Sandhu's discovery responses state 22 "Plaintiff was not given a salary increase when she 23 took on the CMO role. John Chen told her that 24 Giamatteo was already upset that she had been given 25 the CMO role and that Giamatteo would create</p>	<p style="text-align: right;">Page 217</p> <p>1 problems if plaintiff were already given a salary 2 increase."</p> <p>3 When you made Miss Sandhu BlackBerry's Chief 4 Marketing Officer, did you tell her that you would 5 not be giving her a pay rise because you were afraid 6 of John Giamatteo's reaction -- did you tell her 7 that?</p> <p>8 A. No, I -- so this might be taken out of 9 context or whatever. So, first of all, salary 10 action, as I explained earlier today, goes through 11 human resources, do the analysis, we have a 12 programmatic way to address it. This is not me 13 sitting down on my chair and just randomly come up 14 with a number.</p> <p>15 HR will then recommend to me what we should do 16 and not do and then we take that and make sure that 17 all my direct reports salary actions are at least in 18 informed, if not cleared, by the board of directors.</p> <p>19 Q. So I just want to make sure I have a clear 20 whether you're saying yes or no.</p> <p>21 So did you or did you not tell Miss Sandhu that 22 you wouldn't be giving her a pay raise because you 23 were afraid about how John Giamatteo would react -- 24 did you tell her that or did you not?</p> <p>25 A. I wouldn't -- I wouldn't -- even if that is</p>



<p style="text-align: right;">Page 218</p> <p>1 the case I wouldn't be saying it that way, okay, I 2 mean that way only create more problems between the 3 two of them, not a less problem, which I was 4 striving to do.</p> <p>5 So -- but that's not the case. The case is I 6 asked human resources -- Nita White-Ivy -- to do the 7 analysis, come back to me with the recommendation.</p> <p>8 The ins and out and all the math behind it you 9 need to ask human resources. I'm sure they have the 10 files.</p> <p>11 ATTORNEY LAVOIE: Okay.</p> <p>12 I'm going to pivot over here to Tab A, which 13 I'm going to mark as Exhibit 40.</p> <p>14 (Whereupon, Plaintiff's Exhibit No. 40 was 15 marked for identification.)</p> <p>16 ATTORNEY LAVOIE:</p> <p>17 Q. This is Miss Sandhu's complaint in this 18 lawsuit. This is, like, the document that starts 19 the lawsuit and contains the plaintiff's 20 allegations.</p> <p>21 And I'm going to take you to page 7, lines 16 22 through -- 11 through 16 -- I'll just delete this 23 highlighting -- I didn't intend for that to be 24 there.</p> <p>25 So looking at lines 11 through 16, Miss Sandhu</p>	<p style="text-align: right;">Page 219</p> <p>1 in her complaint alleges that "When she was 2 appointed Chief Marketing Officer, which meant 3 taking on another function in addition to her 4 existing role, she was not given a pay raise. She 5 was told by former CEO Chen that Giamatteo was 6 already upset that plaintiff had been given the role 7 and if she were given a pay raise, it would amplify 8 his animosity. Chen added that Tim Foote, who was 9 one of the white men hostile to plaintiff, would 10 know if plaintiff were given a pay raise, as he is 11 in the Finance Team and had access to this type of 12 information."</p> <p>13 Did you see that?</p> <p>14 A. Yes. I don't remember saying any of those 15 stuff on that paragraph and if I had say that it 16 would be a complete misjudgment on my part, but I 17 really don't remember saying it.</p> <p>18 And, again, let me repeat the process is not 19 Giamatteo will approve or not approve. The process 20 is it comes from human resources, what their advice 21 is.</p> <p>22 And it has a lot to do with everything I talk 23 about in terms of analyst -- comparisons and 24 industry comparison and stuff -- but also the last 25 increase, the potential next increase -- the</p>
<p style="text-align: right;">Page 220</p> <p>1 whole -- so it's an analysis being done by human 2 resources, not -- not being done by myself sitting 3 there.</p> <p>4 Q. Is it your style or practice as a leader to 5 deny people pay raises because you're afraid that 6 giving them pay raises is going to upset other 7 people?</p> <p>8 A. Absolutely -- absolutely not. Absolutely 9 not.</p> <p>10 Q. So what's your --</p> <p>11 A. And I hope, you know, although we only met 12 today, by now you wouldn't believe -- I hope you 13 don't believe that John Chen will deny somebody 14 increases because he was afraid of one -- how one of 15 his people would react. I hope that's not -- that I 16 won't leave you that impression.</p> <p>17 Q. Understood.</p> <p>18 So I'm going to take you to -- back to 19 Exhibit 39, which is the discovery responses, and 20 point your attention to page 10 at lines 24 through 21 25 where plaintiff writes "Giamatteo roadblocked 22 plaintiff" -- that being Miss Sandhu -- "from being 23 named an officer, which limited her compensation."</p> <p>24 Did you ever see or observe Miss -- Mr. 25 Giamatteo -- blocking Miss Sandhu from becoming an</p>	<p style="text-align: right;">Page 221</p> <p>1 officer of BlackBerry?</p> <p>2 A. I don't work for Giamatteo -- I never did 3 so --</p> <p>4 Q. I just asked the question directly.</p> <p>5 A. There is no way that he would even be in 6 the picture. The only thing that is happening is 7 that under the advisement of the board that -- not 8 immediate, but a couple years back -- given the size 9 of the company they were advising me to limit the 10 number of officers.</p> <p>11 Q. So just a yes or no -- did Mr. Giamatteo 12 block Miss Sandhu from becoming an officer of 13 BlackBerry?</p> <p>14 A. No.</p> <p>15 ATTORNEY TARTAGLIO: And I'm going to object to 16 the yes or no instruction. The witness can clarify 17 if he wants.</p> <p>18 ATTORNEY LAVOIE:</p> <p>19 Q. I'm just -- I'm doing this just kind of 20 largely in the interest of trying to keep -- get 21 through, you know, three and a half hours of 22 material in two-and-a-half hours or so -- three 23 hours -- so, you know, I hope -- you should answer 24 the questions however you want, but that's the 25 spirit in which it's intended.</p>



<p style="text-align: right;">Page 222</p> <p>1 Did you -- did you at any time discuss Neelam 2 Sandhu's pay or compensation with John Giamatteo? 3 A. Absolutely not. 4 Q. And you decided Miss Sandhu's role and pay 5 along with the board -- not John Giamatteo -- 6 ATTORNEY TARTAGLIO: Misstates -- 7 ATTORNEY LAVOIE: 8 Q. -- is that right? 9 ATTORNEY TARTAGLIO: Misstates testimony. 10 THE WITNESS: I decided under the advisement of 11 human resources and then go to the board to -- in 12 this particular case, because she was not an 13 officer, I -- my obligation is to inform the 14 board -- not necessarily need the approval. If 15 you're an officer I need the approval. 16 ATTORNEY LAVOIE: Let's look a little bit 17 deeper. This is going to be starting -- this is the 18 basket of critiques about Tim Foote -- excuse me. 19 So I'm going to direct your attention to the 20 bottom of page 10, line 26, all the way through line 21 14 of page 11 and the plaintiff's discovery 22 responses say that Tim "Foote would block Miss 23 Sandhu from getting credit for her work, e.g., her 24 sales contributions to the company's billing 25 numbers."</p>	<p style="text-align: right;">Page 223</p> <p>1 Did you ever see Tim Foote blocking Neelam 2 Sandhu for getting credit for her work? 3 A. I was not aware of any of this. 4 Q. You didn't see him -- you never saw him do 5 that? 6 A. No, but I think the statement here about 7 John Giamatteo and Mattias Eriksson speaking -- that 8 was only because they're the president of the two 9 division of the two -- two partner in business. 10 Q. Yeah. 11 So would you agree that there was some 12 differences in the amount of speaking opportunities 13 on behalf of the company as between John Giamatteo 14 and Mattias Eriksson, who were both presidents, and 15 Miss Sandhu, who was not a company president -- were 16 there differences in the number of public speaking 17 opportunities? 18 A. Yeah. 19 Q. Why? 20 A. Well, investors will probably appreciate 21 hearing from the -- the president of the business 22 about where the business is going, more so than any 23 other -- it's not -- this is not about Neelam or 24 anybody else. 25 This is, you know, the public would like to</p>
<p style="text-align: right;">Page 224</p> <p>1 hear from myself, my CFO, or the two presidents. 2 Q. And, then, these discovery responses -- 3 Miss Sandhu's discovery responses say "they" -- as 4 in John Giamatteo and Mattias Eriksson -- would then 5 get public credit for her, Miss Sandhu's, sales. 6 Do you see that? 7 A. Yeah. 8 Q. Is that how you viewed it -- that they were 9 stealing credit for her sales when they spoke 10 publicly? 11 A. I -- I don't, I mean, unless there is some 12 specific examples I -- I don't -- I wouldn't 13 interpret it that way. 14 It is only based on the fact that these people 15 are speaking more -- and they should be speaking 16 more. 17 Q. So this is in reference to Tim Foote. Miss 18 Sandhu's discovery responses say that Tim Foote 19 "would lie about plaintiff, for example, he told 20 John Chen that she had not sent him a particular 21 press release for review when she had." 22 Are you aware of Tim Foote ever lying to you 23 about something related to Miss Sandhu? 24 A. I -- I wouldn't know one way or the other. 25 Q. Did you ever catch Tim Foote lying to you</p>	<p style="text-align: right;">Page 225</p> <p>1 about something? 2 A. No, no, no, but, again, I mean, this is so 3 out of my day-to-day context. I wouldn't know 4 whether there is lying or not. 5 Q. Miss Sandhu writes, "Tim would also exclude 6 plaintiff from emails that he would include the 7 prior CMO," parentheses, "(white male) on and 8 plaintiff raised this to both CEO John Chen and CFO 9 Steve Rai asking for their help to resolve it." 10 Did Miss Sandhu ever tell you that Mr. Foote 11 was excluding her from emails that he had included 12 her white male predecessor on? 13 A. No, I -- I need the example for then. I 14 don't remember being asked due to the gender 15 situation. I -- if I would have -- if I would have 16 been asked that way I'm sure that I would have a 17 conversation with Tim and/or Steve Rai. 18 Q. Did Miss Sandhu -- you spoke -- you 19 communicated with her pretty much daily? 20 A. Uh-huh. 21 Q. How -- at what point in time in your tenure 22 did you begin communicating with her almost daily -- 23 was that throughout your entire time or beginning, 24 like, 2015, '16, or something like that? 25 A. Oh no, from the time when she started</p>



<p>1 working for me as a staff.</p> <p>2 Q. And when did that happen again?</p> <p>3 A. That's probably -- let's see -- I join the</p> <p>4 company 2013. I'd say sometime a year later --</p> <p>5 2014.</p> <p>6 Q. Okay.</p> <p>7 So -- so for almost a decade you were</p> <p>8 communicating with Miss Sandhu on a -- almost on a</p> <p>9 daily basis?</p> <p>10 A. Yes.</p> <p>11 Q. And during all that time, did she ever tell</p> <p>12 you that the company was discriminating against her</p> <p>13 based on being a woman?</p> <p>14 A. I -- because when the company -- when -- if</p> <p>15 she had said that I would have asked her to go see</p> <p>16 human resources because that would also imply that,</p> <p>17 you know, the company is really me.</p> <p>18 Q. Well, let me just ask the question, though,</p> <p>19 as to whether she did or did not say that to you.</p> <p>20 So you interacted with her on an almost daily</p> <p>21 basis for about ten years.</p> <p>22 Did she ever tell you this company is</p> <p>23 discriminating against me based on my gender or</p> <p>24 raise?</p> <p>25 A. I don't -- I don't remember. I don't</p>	<p>Page 226</p> <p>1 believe so, but I don't remember.</p> <p>2 Q. Did she ever tell you that another member</p> <p>3 of the company -- not you -- did she ever say</p> <p>4 somebody is retaliating against me for something</p> <p>5 I've done -- did she ever tell that to you?</p> <p>6 A. I never remember any conversation</p> <p>7 retaliation and if it happens, you should rest</p> <p>8 insured that she'd be speaking to human resources.</p> <p>9 Q. And did she ever -- I know that she told</p> <p>10 you about an interaction that she had with John</p> <p>11 Giamatteo that she told you made her feel</p> <p>12 uncomfortable.</p> <p>13 Did she ever tell you that John Giamatteo was</p> <p>14 sexually harassing her?</p> <p>15 ATTORNEY TARTAGLIO: Objection. Calls for a</p> <p>16 legal conclusion.</p> <p>17 THE WITNESS: Not in those words, no. Not in</p> <p>18 those words. I think she -- she certainly indicated</p> <p>19 to me that she felt uncomfortable.</p> <p>20 ATTORNEY TARTAGLIO: And my objection was legal</p> <p>21 conclusion. I just wanted the record to reflect</p> <p>22 that.</p> <p>23 ATTORNEY LAVOIE:</p> <p>24 Q. I'm just asking what she said or didn't say</p> <p>25 and I think the witness understood the question.</p>
<p>Page 228</p> <p>1 So if understood your testimony from this</p> <p>2 morning, Miss Sandhu told you about a particular</p> <p>3 occasion where she had had an interaction with John</p> <p>4 Giamatteo that left her feeling uncomfortable.</p> <p>5 That's what she told you; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Did she tell you that Mr. Giamatteo was on</p> <p>8 an ongoing basis engaging in some kind of sexually</p> <p>9 inappropriate conduct toward her?</p> <p>10 A. Not an ongoing -- we were just talking</p> <p>11 about that one situation -- one incident -- where</p> <p>12 they had a dinner together.</p> <p>13 Q. And that came up one time?</p> <p>14 A. That came up after the dinner.</p> <p>15 Q. And then after she told you about that, did</p> <p>16 she ever come back to you again and say well, now,</p> <p>17 he's behaving inappropriately in some sexual</p> <p>18 oriented way, like, in some other way?</p> <p>19 A. The way I addressed it -- I asked her to go</p> <p>20 sit down with human resources to make sure that Nita</p> <p>21 White-Ivy is aware of all the -- the situation where</p> <p>22 she was describing. So I intend -- and she knows it</p> <p>23 very clearly -- even if it happened she wouldn't</p> <p>24 come back to me, but she would go back to human</p> <p>25 resources.</p>	<p>Page 229</p> <p>1 Q. Now, I think -- I think we've seen this</p> <p>2 based on a number of the emails that we've walked</p> <p>3 through today, but in your experience, would Neelam</p> <p>4 pull punches or be hesitant to complain to you when</p> <p>5 she was unhappy about things?</p> <p>6 ATTORNEY TARTAGLIO: Speculation.</p> <p>7 THE WITNESS: I don't -- I don't know. I</p> <p>8 assume that what she talk about is not the sum</p> <p>9 total. She knows that I don't really have a very</p> <p>10 high tolerance in every little changes of this, you</p> <p>11 know, dissatisfaction.</p> <p>12 So, I mean, I assume that there are some that</p> <p>13 are important that she brought up, but I also assume</p> <p>14 there are a bunch that she didn't bring up.</p> <p>15 ATTORNEY LAVOIE:</p> <p>16 Q. So let me -- let me ask you this -- we're</p> <p>17 at the bottom of page 12 on Exhibit 39. These are</p> <p>18 the discovery responses still.</p> <p>19 And I'm just going to ask you a series of very</p> <p>20 specific questions because you've given testimony</p> <p>21 about what Miss Sandhu told you about this</p> <p>22 interaction with Mr. Giamatteo, that according to</p> <p>23 her left her feeling uncomfortable.</p> <p>24 A. Uh-huh.</p> <p>25 Q. And I'm just going to ask you some very</p>



<p style="text-align: right;">Page 234</p> <p>1 you know, confidential and doesn't need a CEO to 2 interfere and also the sense that, you know, I don't 3 want people to think that I'm protecting either 4 party, so I wanted HR to do the investigation 5 properly.</p> <p>6 Q. Let's look back at the first amended 7 complaint, which I've marked as Exhibit 40, and go 8 to page 8, lines 3 through 6.</p> <p>9 Miss Sandhu alleges in her complaint, "Despite 10 experiencing continued gender and race harassment 11 and discrimination, plaintiff fought to excel with 12 each new task given to her because plaintiff 13 believed she had the support of John Chen," and she 14 goes on from there.</p> <p>15 Did you -- did you, yourself, ever observe 16 anyone treat Miss Sandhu in a way that you thought 17 was harassment or discrimination?</p> <p>18 ATTORNEY TARTAGLIO: Compound.</p> <p>19 THE WITNESS: I don't see a lot of interactions 20 so I wouldn't -- I wouldn't be a good person to 21 comment on this.</p> <p>22 I'm -- I'm quite shocked it said that because 23 she has supported myself and Nita White-Ivy that she 24 ended continued gender and race harassment and 25 discrimination, but, again, maybe something that she</p>	<p style="text-align: right;">Page 235</p> <p>1 never told us -- or tell myself at least.</p> <p>2 ATTORNEY LAVOIE:</p> <p>3 Q. Yes, she never -- if she thought that she 4 was being subjected to continued ongoing gender and 5 race harassment and discrimination, she never told 6 you that?</p> <p>7 A. No.</p> <p>8 ATTORNEY TARTAGLIO: Calls for legal 9 conclusion.</p> <p>10 THE WITNESS: Yeah -- no, she never told me 11 that, but it's -- if it's true then it's really 12 disturbing because she should have known me well 13 enough that this will turn into a full-blown serious 14 look at.</p> <p>15 ATTORNEY LAVOIE:</p> <p>16 Q. So let's look at the complaint on page -- 17 which is Exhibit 40 on page 11 at lines four through 18 nine.</p> <p>19 Plaintiff alleges "Despite Giamatteo's 20 harassment and discrimination, plaintiff sought to 21 have a positive work environment and remain 22 collaborative with Giamatteo for BlackBerry's 23 benefit. Accordingly, she attempted to set up 24 collaborative meetings with him. Giamatteo 25 complained about plaintiff's request to meet with</p>
<p style="text-align: right;">Page 236</p> <p>1 him and brought it up to CEO Chen, claiming it was 2 offensive. When Giamatteo set up meetings, on the 3 other hand, plaintiff indicated she was happy to 4 join the meetings."</p> <p>5 Did John Giamatteo ever complain to you that 6 Miss Sandhu's attempt to set up a meeting with him 7 was offensive?</p> <p>8 A. No. The only complaint I heard from John 9 Giamatteo was he tried to set up meetings that 10 Neelam never showed up and Neelam complained to me 11 that she was never invited to those meetings. 12 One -- one of them is wrong.</p> <p>13 Q. But -- but you don't recall Mr. Giamatteo 14 ever saying that "I'm offended at the concept that I 15 would meet with Neelam"?</p> <p>16 A. No, I never -- I never -- they won't say 17 that to me, I mean, I think we need to understand 18 one thing. That's not what, you know, it might -- 19 it sound like my day-to-day job is to service the 20 Neelam and John Giamatteo and Tim Foote and stuff, 21 you know, it's not.</p> <p>22 Everyone -- when these things happen I'm sure, 23 you know, some of them are true, some of them are 24 probably misconceptions or perceptions, but I don't 25 spend my day on items like this, but --</p>	<p style="text-align: right;">Page 237</p> <p>1 Q. So did Miss Sandhu -- separate from the 2 word retaliation -- did she ever tell you that she 3 thought that after that dinner that Mr. Giamatteo 4 was mistreating her because of the way that she 5 reacted to what she described as a sexual advance -- 6 did she say I rebuffed his sexual advance and now in 7 reaction to that he's mistreating me.</p> <p>8 Did she ever tell you that?</p> <p>9 A. I don't remember that and -- but, again, 10 she knows well enough not to keep inundating me 11 with, quote, unquote, continuous updates and she 12 needs to go and continuous update minimally Nita 13 White-Ivy and then Nita White-Ivy will assign 14 investigators and so forth.</p> <p>15 So, you know -- you know, I would have trouble 16 meeting with her if every day the meeting was about 17 some kind of retaliations and advances and all that. 18 I -- this is best handled by the professional in 19 human resources.</p> <p>20 Q. Let's look at a different part of the 21 complaint on page 13.</p> <p>22 This is Exhibit 40, paragraph 57, lines 16 23 through 20.</p> <p>24 Miss Sandhu alleges "Plaintiff reported 25 Giamatteo's harassment and discrimination in early</p>

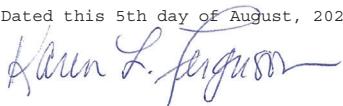


<p style="text-align: right;">Page 238</p> <p>1 2023 to human resources. BlackBerry's response was 2 to try to" -- to try and create -- "create increased 3 separation between the two roles. In this 4 separation BlackBerry removed half of plaintiff's 5 customers and gave them to Giamatteo and, in turn, 6 gave plaintiff customers that the Cyber BU had lost 7 business from and asked her to win the customers 8 back."</p> <p>9 Was your rearranging of the customers between 10 the Elite Team and Cyber Sales a reaction to Miss 11 Sandhu making some kind of complaint about 12 harassment and discrimination -- was that your 13 motivation for rearranging the customer list?</p> <p>14 ATTORNEY TARTAGLIO: Calls for legal 15 conclusion.</p> <p>16 THE WITNESS: I -- I thought I answered this 17 question a couple of times already. The answer as 18 absolutely no retaliation. I am not that -- I don't 19 believe in it, I don't support any retaliation. 20 I wanted to create an environment that 21 everybody could contribute to the success of the 22 company in a hopefully the most peaceful and smooth 23 environment possible. 24 You know, our enemies out there are 25 competitors, right. I only mean what's going on</p>	<p style="text-align: right;">Page 239</p> <p>1 within. So I created that so that Neelam has a 2 better runway and better areas to operate and John 3 Giamatteo has a better area to operate, so that's 4 it. That's the, you know, that's the sum total sum 5 of the motivation behind it.</p> <p>6 ATTORNEY LAVOIE: 7 Q. So just -- just to be very clear in terms 8 of a yes or no -- did you rearrange the customer 9 accounts as a reaction to Neelam making some sort of 10 complaint about harassment or discrimination, or was 11 that not your reason for rearranging the customer 12 accounts?</p> <p>13 A. No. 14 Q. It was not your reason? 15 A. It was not my reason at all. 16 ATTORNEY LAVOIE: Let's look at Tab 10, which 17 I'm going to mark as whatever Lauren tells me is the 18 next exhibit number -- 19 THE WITNESS: Uh-huh. 20 ATTORNEY LAVOIE: 41 -- thank you, Lauren. 21 (Whereupon, Plaintiff's Exhibit No. 41 was 22 marked for identification.) 23 ATTORNEY LAVOIE: 24 Q. So Tab 10. This is March 8, 2023, Rich 25 Curiale emails you with the subject line "Neelam</p>
<p style="text-align: right;">Page 240</p> <p>1 just called" and he says "Said she couldn't thank me 2 enough. She felt things were going to work out. 3 She said she was ready to compromise now and was 4 enthusiastic about what she perceived as your 5 openness to hammering out a list of Elite and win 6 win" -- I assume that might be win back -- 7 A. Win back. 8 Q. -- the clients -- 9 A. Win back. 10 Q. Yeah. 11 "That she could focus on with no interference 12 from the sales group." 13 And do you recall Miss Neelam -- Miss Sandhu 14 having a favorable reaction to the concept of having 15 some customers who were just purely her own that she 16 wouldn't have to deal with the sales organization 17 on? 18 A. Yes, I -- I remember that was where it 19 finally end up. 20 Q. Did Miss Sandhu ever say you're rearranging 21 the customer list, you know, you're doing this to 22 punish me for making some kind of complaint -- 23 did she ever say something like that? 24 A. Not to me. I think Neelam knows that it's 25 not my intent, but, of course, you have to ask her,</p>	<p style="text-align: right;">Page 241</p> <p>1 I mean, I'm -- that's my interpretation. 2 Q. Do you believe that under your leadership 3 as CEO for a decade from 2013 to 2023, do you 4 believe that during that time the company treated 5 women employees at the company fairly? 6 A. I believe so. 7 Q. Why do you think that? 8 A. I mean, that's our policy and oh, by the 9 way, we got a lot of guardrail. Our human resources 10 head is a minority lady herself and, you know, our 11 legal department, in this case, operates, you know, 12 rather independently, as I said. 13 Our board of directors is very sensitive to it. 14 Our employee is well trained and well briefed on an 15 annual basis, including every other year I think we 16 have a business practice harassment lesson or 17 lecture -- or whatever -- training -- training. 18 So we put in a lot of guardrail, not to talk 19 about the BS, you know, the business ethicals 20 practice, so I believe that we done a very good job. 21 Q. Do you believe that during your decade long 22 tenure as BlackBerry's CEO from 2013 to 2023 that 23 the company valued its female employees? 24 A. I believe it, yes. 25 Q. Why do you think that?</p>



<p style="text-align: right;">Page 242</p> <p>1 A. Again, you know, I think there was a lot of 2 executives that are female. More so than before -- 3 it's still not a good enough number -- but we focus 4 on -- we focus on that.</p> <p>5 And so -- we also focus on training and peer 6 group support for the women in the executive rank -- 7 they're more minority, women, vice presidents and 8 up -- you know, I think these numbers you could get 9 up on the company.</p> <p>10 Q. What was the total -- just approximate -- 11 employee head count at the company -- what was the 12 highest that it was during your tenure and what was 13 the lowest?</p> <p>14 A. When I joined the company it's roughly 15 about 4,500 people. That was probably at the 16 highest level.</p> <p>17 And when I left the company it was roughly over 18 3,000.</p> <p>19 Q. So, yeah -- so the head count was maybe 20 30 -- a third lower, 50 percent lower -- something 21 like that over the course of the ten years -- it 22 contracted a bit in terms of head count?</p> <p>23 A. Yeah, right, right -- something like that, 24 yeah.</p> <p>25 Q. When a company is going through shrinkage</p>	<p style="text-align: right;">Page 243</p> <p>1 or reduction in overall head count, does that have 2 any impact on its ability to improve diversity?</p> <p>3 A. No, no, those are two different things 4 because when you're going through the reduction 5 you're also -- and we going through a reduction for 6 business realignment, you know, going from a 7 hardware company that makes cell phones into a 8 software company that makes product for 9 cybersecurity and IoT, and et cetera, et cetera, so 10 skill makes a difference.</p> <p>11 Some of them I recruited externally. Some of 12 them I promoted internally. So there are rooms that 13 you could do it. Maybe not as fast as one would 14 want, but I believe when I look at the numbers last 15 time I look at the numbers, you know, we make 16 progress. So that's the only thing I could say.</p> <p>17 Q. Is, you know, looking outside of BlackBerry 18 at the industry broadly, would you say that the 19 cybersecurity -- and the internet of things software 20 space -- have those areas historically been male 21 dominated?</p> <p>22 ATTORNEY TARTAGLIO: Lack of foundation.</p> <p>23 THE WITNESS: It's really hard to -- I don't 24 have enough data to answer your question.</p> <p>25 ATTORNEY LAVOIE:</p> <p style="text-align: right;">Page 244</p> <p>1 Q. Well, you're -- you're sophisticated in 2 that. You want data. So I think that's a very 3 reasonable reaction.</p> <p>4 I'm going to point your attention -- I'm 5 continuing to race through to try to get through 6 everything that I'm -- that we can get through while 7 getting you out of here by 4:00 p.m., so --</p> <p>8 A. Thank you. Thank you very much.</p> <p>9 ATTORNEY LAVOIE: Let's go to what I'm going to 10 mark as the next exhibit number, which is 42, I 11 believe, and it is a -- it is an article from KRON4 12 titled "BlackBerry enabled," quote, "'Mad Men-era 13 sexual harassment,' lawsuit alleges."</p> <p>14 (Whereupon, Plaintiff's Exhibit No. 42 was 15 marked for identification.)</p> <p>16 ATTORNEY LAVOIE:</p> <p>17 Q. And the -- let's go down to -- so this -- 18 this article recounts allegations from Miss Sandhu's 19 lawsuit against BlackBerry, discusses about how John 20 Giamatteo tried to 'woo' her, references the travel 21 together comment and then on the second page the 22 article quotes Miss Sandhu's attorney -- let me make 23 sure I'm getting the right place -- and it contains 24 a quote from Miss -- one of Miss Sandhu's attorneys 25 that says "BlackBerry seeks to present itself as a</p> <p style="text-align: right;">Page 245</p> <p>1 modern company, but the new management's tolerance 2 and enablement of 'Mad Men-era' sexual harassment 3 reflects their toxic and antiquated values."</p> <p>4 Do you see that?</p> <p>5 A. Yeah -- yes.</p> <p>6 Q. Now let's look at the top of the third page 7 where she was being referred to as a Jane Doe, but 8 no one will dispute that this was Miss Sandhu.</p> <p>9 One of Miss Sandhu's lawyers is quoted as 10 saying that "Miss Sandhu's story underscores the 11 disturbing reality of workplace harassment and 12 discrimination that too many working women know all 13 too well. Despite a litany of complaints against 14 him Giamatteo was not only shielded from 15 consequence, but rewarded with a promotion to the 16 highest position in the company."</p> <p>17 Let me just step back from that and ask you a 18 simple question.</p> <p>19 Do you agree with Miss Sandhu -- with Miss 20 Sandhu's lawyer -- "that BlackBerry had a toxic and 21 antiquated values with respect to women"?</p> <p>22 A. Not -- I cannot agree when I was here.</p> <p>23 Q. And that was during the bulk of Miss 24 Sandhu's tenure -- everything except for the last 25 few weeks you were in charge of the place; right?</p>
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<p style="text-align: right;">Page 270</p> <p>1 confidential. This is a public case and this is -- 2 nothing in this is confidential. 3 ATTORNEY LAVOIE: Yeah, okay, Maria, we don't 4 need to take up the witnesses time with our dispute, 5 like, if you're correct in the law, then that will 6 be the case. If you're not, then you won't. 7 THE WITNESS: Okay. 8 I'm going to sign off. 9 ATTORNEY LAVOIE: Thanks, Mr. Chen. 10 THE WITNESS: Okay. 11 Bye. 12 ATTORNEY LAVOIE: Okay. 13 Thanks, everybody. 14 THE VIDEOGRAPHER: Let me read the closing 15 statement, please. 16 ATTORNEY LAVOIE: Sure. 17 THE VIDEOGRAPHER: This concludes today's video 18 record of deposition of John Chen. 19 The original media of this deposition will 20 remain in the custody of Talty Court Reporter's, 21 Inc. located in San Jose, California. 22 We're going off the record. 23 The time is now 4:03 p.m. 24 ATTORNEY BOURN: And just to confirm, this is 25 not a confidential deposition.</p>	<p style="text-align: right;">Page 271</p> <p>1 ATTORNEY LAVOIE: Maria, we're going to follow 2 the protective order, okay? 3 Thanks. 4 ATTORNEY BOURN: Good luck. 5 6 --oo-- 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 272</p> <p>1 I, KAREN L. FERGUSON, CSR No. 5970, Certified 2 Shorthand Reporter, certify; 3 That the foregoing proceedings were taken before me 4 at the time and place therein set forth, at which time 5 the witness declared under penalty of perjury; 6 That the testimony of the witness and all 7 objections made at the time of the examination were 8 recorded stenographically by me and were thereafter 9 transcribed under my direction and supervision; 10 That the foregoing is a full, true, and correct 11 transcript of my shorthand notes so taken and of the 12 testimony so given; 13 () Reading and signing was requested. 14 () Reading and signing was waived. 15 (XX) Reading and signing was not requested. 16 I further certify that I am not financially 17 interested in the action, and I am not a relative or 18 employee of any attorney of the parties, nor of any of 19 the parties. 20 I declare under penalty of perjury under the laws 21 of California that the foregoing is true and correct. 22 Dated this 5th day of August, 2025. 23 24  25 KAREN L. FERGUSON, CSR No. 5970</p>	

